

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.42120 of 2016

S.Subramanian

.. Petitioner

vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem-636 007.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to reassess the Dearness Allowance as 80% instead of 72% and settle remaining 8% DA, fixation amount of Rs.40,567/- and fixation arrears, 4th and 5th review benefit arrears, earned leave (EL) for the year 2009, PRBF benefit amount of 1000 per month from April 2013 for the period of 15 years subject to deduction of few months, 7 month interest (from 31.03.2013 to 23.10.2013) for the commutation money of Rs.3,01,356/- and 6 month interest (from 31.03.2013 to 16.09.2013) for the Labour Fund of Rs.69,224/-, benefits due and payable to the petitioner with interest @ 6% per annum with effect from 31.03.2013 in view of petitioner's representation dated 6.10.2016 within a stipulated time.

For Petitioner : Mr.G.Peranban

For Respondent : Mr.P.Kannan Kumar

W E B C O P Y
O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondent to reassess the Dearness Allowance as 80% instead of 72% and settle remaining 8% DA, fixation amount of Rs.40,567/- and fixation arrears, 4th and 5th review benefit arrears, earned leave (EL) for the year 2009, PRBF benefit amount of 1000 per month from April 2013 for the period of 15 years subject to deduction of few months, 7 month interest (from 31.03.2013 to 23.10.2013) for the commutation

money of Rs.3,01,356/- and 6 month interest (from 31.03.2013 to 16.09.2013) for the Labour Fund of Rs.69,224/-, benefits due and payable to the petitioner with interest @ 6% per annum with effect from 31.03.2013 in view of petitioner's representation dated 6.10.2016 within a stipulated time.

2. The petitioner joined in the Tamil Nadu Government Transport Corporation as Conductor on 05.06.1977 and thereafter promoted as Checker and thereafter as Transport Inspector and retired from service as Transport Inspector on 31.03.2013, after rendering sincere and unblemished service. Though the petitioner retired on 31.03.2013, the respondent has not yet settled his terminal benefits and in this regard, he has submitted a representation dated 28.03.2016 to the respondent. Since no action was taken on his representation, the petitioner earlier filed W.P.No.15421 of 2016 and this Court disposed of the said writ petition with a direction to the respondent to settle the terminal benefits in 12 monthly instalments carrying interest @ 6% p.a. and in case of delay in payment of instalments, interest @ 18% would be payable for the delayed period. Though the petitioner is entitled to receive Gratuity with 80% allowance, the respondent has calculated DA @ 72% alone and so far fixation arrears, 4th and 5th review benefit arrears, earned leave (EL) for the year 2009, PRBF benefit amount of 1000 per month from April 2013 for the period of 15 years subject to deduction of few months, 7 month interest (from 31.03.2013 to 23.10.2013) for the commutation money of Rs.3,01,356/- and 6 month interest (from 31.03.2013 to 16.09.2013) for the Labour Fund of Rs.69,224/-, benefits due and payable to the petitioner with interest @ 6% p.a. with effect from 31.03.2013 are not settled. The petitioner once again made a representation to the respondent dated 06.10.2016 and since no response was forthcoming, came forward with this writ petition.

3. Heard both sides and also perused the materials available on record.

4. This Court, without going into the merits of the claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 06.10.2016 seeking settlement of terminal benefits as above and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

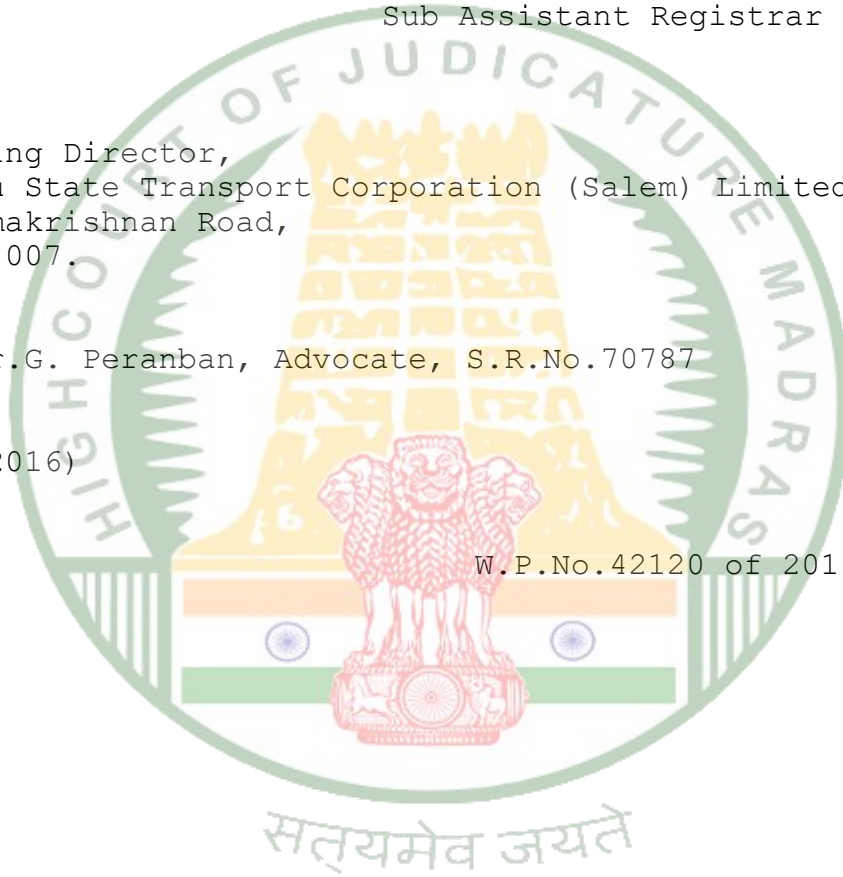
jvm

To
The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem-636 007.

+lcc to Mr.G. Peranban, Advocate, S.R.No.70787

mp (CO)
md(29/12/2016)

W.P.No.42120 of 2016



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