

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.42123 of 2016

E.Subramaniam

.. 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 DA as 80% instead of 72% and settle remaining 8% DA, as per 4th and 5th review fix the fixation arrears and invoke the G.O.(Ms.)No.61 dated 30.04.2015 by Transport Department to the petitioner and pay all benefits due to the petitioner with interest at 6% per annum with effect from 30.04.2013, in view of the petitioner representation dated 14.06.2016 within a stipulated time.

For Petitioner : Mr.G.Peranban

For Respondent : Mr.P.Kannan Kumar

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 DA as 80% instead of 72% and settle remaining 8% DA, as per 4th and 5th review fix the fixation arrears and invoke the G.O.(Ms.)No.61 dated 30.04.2015 by Transport Department to the petitioner and pay all benefits due to the petitioner with interest at 6% per annum with effect from 30.04.2013, in view of the petitioner representation dated 14.06.2016 within a stipulated time.

2. The petitioner joined in the Tamil Nadu Government Transport Corporation as Conductor on 17.02.1978 and thereafter promoted as Checker and thereafter as Transport Inspector and retired from service as Transport Inspector on 30.04.2013, after rendering sincere and unblemished service. Though the

petitioner retired on 30.04.2013, the respondent has not yet settled his terminal benefits as per G.O.(Ms.)No.61 dated 30.04.2015 and in this regard, he has submitted a representation dated 27.11.2015 to the respondent. The petitioner also sent representation dated 23.01.2016. Since no action was taken on his representations, the petitioner earlier filed W.P.No.10002 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 80% DA, the respondent has calculated DA @ 72% alone and so far fixation arrears, 4th and 5th review benefit arrears are not given properly and revised pay scale as per G.O. (Ms.)No.61 dated 30.04.2015 was not complied. The petitioner once again made a representation to the respondent dated 14.06.2016 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 14.06.2016 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. Peranben, Advocate, S.R.No.70790

mp (CO)
md (30/12/2016)

W.P.No.42123 of 2016



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