



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.04.2017
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.5710 of 2017

A.Muthukannu, S/o. Alagar,
Checking Inspector (Retired),
Staff No.87TS3066, Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region.

..Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

.. Respondents

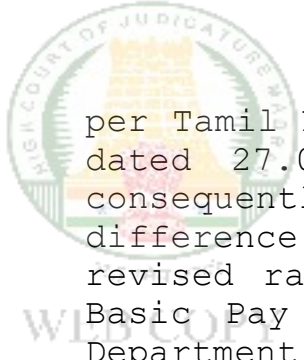
PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's last drawn pay by taking Dearness Allowance at the rate of 113% of the Basic Pay and Grade Pay as per Tamil Nadu Government G.O.No.128 Finance (Pension) Department, dated 27.04.2015 issued by the Government of Tamil Nadu and consequently direct the respondents to compute and pay him, the difference amount in gratuity, leave salary by taking into account revised rate of dearness allowance i.e., at the rate of 113% of Basic Pay + Grade Pay as fixed in G.O.No.128 Finance (Pension) Department, dated 27.04.2015 within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman,
Standing Counsel for T.N.S.T.C.,

O R D E R

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to revise the petitioner's last drawn pay by taking Dearness Allowance at the rate of 113% of the Basic Pay and Grade Pay as



per Tamil Nadu Government G.O.No.128 Finance (Pension) Department, dated 27.04.2015 issued by the Government of Tamil Nadu and consequently direct the respondents to compute and pay him, the difference amount in gratuity, leave salary by taking into account revised rate of dearness allowance i.e., at the rate of 113% of Basic Pay + Grade Pay as fixed in G.O.No.128 Finance (Pension Department, dated 27.04.2015 within the time that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for T.N.S.T.C., appearing for the respondents.

3. Mr.D.Sivaraman, learned Standing Counsel for T.N.S.T.C., takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. The grievance of the petitioner is that the petitioner is entitled to applicable Dearness Allowance and that the respondents have neither calculated the Dearness Allowance as applicable nor paid.

5. This Court in similar cases has issued direction to the respondent to effect fresh calculation on the basis of taking the Dearness Allowance as 107% on the Basic Pay and Grade Pay and to pay the balance to the petitioner within a period of four weeks.

6. Since the fact that the petitioner's case is covered by the similar order passed by this court earlier in *W.P.(MD)No.8305 of 2016, dated 03.11.2016*, is not disputed, this Court direct the respondents to consider the petitioner's representation, dated 27.01.2017 on merits and in accordance with law in the light of the Judgment of this Court in ***W.P.(MD)No.8305 of 2016, dated 03.11.2016*** and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to submit a fresh representation along with a copy of the order passed in the present Writ petition as well as the order dated 03.11.2016 in *W.P.(MD)No.8305 of 2016*.

7. With the above directions, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(Co)

/True copy/



To

1.The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 19232

+1 cc to Mr.A.Rahul , Advocate in SR.No. 19239

pmu

AE/SV/SAR4/13.04.2017/3P/5C

ORDER MADE IN
W.P. (MD) .No.5710 of 2017
04.04.2017