



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2018

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THE HONOURABLE MR. JUSTICE R. SURESH KUMAR

W.P (MD) Nos. 9063 and 9064 of 2018

M. Nadimuthu ... Petitioner in W.P (MD) No. 9063 of 2018

P. Selvam ... Petitioner in W.P (MD) No. 9064 of 2018

Vs.

1. Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

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

... Respondents in both W.Ps

Common Prayer:- Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioners' pay by taking dearness allowance at the rate of 90% of the basic pay and grade pay as per Tamilnadu Government in letter (Ms) No.24 Transport(E) Department dated 20.02.2014 and consequently direct the respondents to compute and pay them, the difference amount in salary, gratuity, leave salary by taking into account revised rate of dearness allowance ie., at the rate of 90% of basic pay + Grade Pay as fixed in Letter (Ms).No.24 Transport (E) Department dated 20.02.2014 within the time that may be stipulated by this Court.

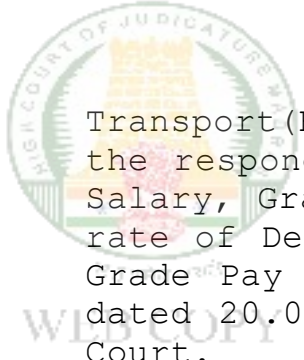
(In both W.Ps)

For Petitioner : Mr.A.Rahul

For R-1 & R-2 : Mr.D.Sivaraman

COMMON ORDER

The prayer sought for in these Writ Petitions is for a Writ of Mandamus, directing the respondents to revise the petitioners' pay by taking Dearness Allowance at the rate of 90% of the Basic Pay and Grade Pay as per Tamilnadu Government in letter (Ms) No.24



Transport(E) Department dated 20.02.2014 and consequently direct the respondents to compute and pay them, the difference amount in Salary, Gratuity, Leave Salary, by taking into account the revised rate of Dearness Allowance ie., at the rate of 90% of basic pay + Grade Pay as fixed in Letter (Ms).No.24 Transport (E) Department dated 20.02.2014, within the time that may be stipulated by this Court.

2. Heard Mr.A.Rahul learned counsel appearing for the petitioners, Mr.D.Sivaraman, learned standing counsel appearing for the respondents.

3. The learned counsel appearing for the petitioners would submit that the petitioners are the employees of the respondent-Corporation and after having served several years at the respondent-Corporation, they retired from service in the year 2013. At the time of their retirement, the Dearness Allowance was 90% for the employees like the petitioners. However, the respondent- Corporation calculated only 80% Dearness Allowance and accordingly, Salary, Gratuity and Leave Salary were given to the petitioners. Therefore, there is a difference of 10% Dearness Allowance, for which they are entitled to, which had not been paid, the same shall be paid to them by the respondent-Corporation. In this regard, even though several times, requests have been made, no positive action has been forthcoming from the respondents. Last such request/representations were made by the petitioners to the respondents on 24.03.2018 and therefore, if the said representations of the petitioners are directed to be considered by the respondents and an order to that effect is passed by this Court fixing a time frame to the respondents and within which if they are directed to act upon the representations of the petitioners, the petitioners would be satisfied.

4. Mr.D.Saravanan, learned standing counsel appearing for the respondents would submit that if really the petitioners are entitled to get 90% Dearness Allowance at the time of their superannuation as they claimed, the same shall be considered based on the representations given by the petitioners and accordingly, the representations of the petitioners dated 24.03.2018 would be considered, on merits and in accordance with law and a reasoned order with regard to the grievance of the petitioners would be passed thereon within a time frame that may be fixed by this Court.

5. In view of the said submissions made on both sides and taking into account the circumstances of the case, these Writ Petitions are disposed of by this common order with the following directions:

<https://hcservices.ecourts.gov.in/hcservices/>

"That in both cases, the respective respondents are directed to consider the respective representations of



the petitioners concerned dated 24.03.2018 with regard to their grievance of 10% higher Dearness Allowance as claimed to have been applied for the petitioners at the time of their superannuation and retirement from service and pass orders thereon, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that once the respondents on such consideration come to the conclusion that the petitioners are entitled to higher Dearness Allowance, necessary sanction shall be made, within the time stipulated, including the disbursement of difference of pay."

With these directions, these Writ Petitions are disposed of.
No Costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam.

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

+ 2 ccs TO Mr.A.Rahul , Advocate in SR No. 67270, 67272
+ 2 ccs TO Mr.D.Sivaraman , Advocate in SR No. 67173,67172

pm

AE/SV MMS/SAR1/28.06.2018/3P/7C

**W.P (MD) Nos.9063 and 9064 of 2018
06.06.2018**