



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 19897 of 2018

1. S. Swaminathan

2. M. Manickam

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Secretary to Government,
Transport Department,
Secretariat,
Chennai 600 009.

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy.

3. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to revise the petitioner's dearness allowance at the rate of 142% for the period from the date of their retirement to till the date based on G.O.Ms.No.125 dated 11.04.2018 and further directing the respondents to grant the arrears of dearness allowance from the date of their retirement to till date payable to the petitioners together at the rate of 6%.

For Petitioner : Mr. N. Sudhagar Nagaraj

For Respondents : Mr. K. M. U. Muthu, AGP for R1
Mr. D. Sivaraman for R2 and R3

O R D E R

The petitioners have come forward with the present Writ petition to issue a Writ of Mandamus, directing the respondents to extend the benefit of enhanced dearness allowance at the rate of 142% based on G.O.Ms.No.125 dated 11.04.2018 and also to grant the arrears of dearness allowance from the date of retirement of the petitioners to till the date of payable together with interest at the rate of 6% p.a.



2.Mr.K.M.U.Muthu, learned Additional Government Pleader takes notice for the first respondent. Mr.D.Sivaraman, learned counsel takes notice for the respondents 1 and 2. By consent, this Writ petition is taken up for final hearing at the admission stage itself.

WEB COPY

3.The case of the petitioners is that they have retired from service from the respondents / Corporation. Since their retirement benefits extending the benefit of enhanced dearness allowance of 142% and difference in terminal benefits payable to the petitioners, including gratuity and also monthly pension with arrears in the light of G.O.Ms.No.125, Finance (Allowances) Department, dated 11.04.2015 has not been disbursed to them, they have submitted representation on 24.08.2018 in this regard and since the said representation did not evoke any response, the petitioners are before this Court with the relief stated supra.

4.The learned counsel for the respondents 2 and 3 would submit that it is agreeable for the respondents to consider the representation of the petitioners and pass orders thereon.

5.In view of the submission, the respondents are directed to consider the representation of the petitioners in the light of G.O.Ms.No.125, Finance (Allowances) Department, dated 11.04.2015 issued in this regard and to pass appropriate orders on the same in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-II)

To

The Additional Secretary to Government,
Transport Department,
Secretariat, Chennai 600 009.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate, Sr.No.84710.

+1cc to Special Government Pleader, Sr.No.84896.

+1cc to Mr.D.Sivaraman, Advocate, Sr.No.84637.

W.P. (MD) No.19897 of 2018

17.09.2018