



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD)Nos.8036 & 8037 of 2019

M.Gopalakrishnan

... Petitioner in both W.Ps'

Vs.

The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi.

... Respondent in both W.Ps'

Prayer in W.P(MD)No.8036 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to pay the petitioner Rs.2,334/- towards arrears of wages, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him for the period from the month of January 2018 to March 2018 by taking into account the enhanced rate of dearness allowance as ordered/ fixed for the period from 01.01.2018 to 30.06.2018 in the G.O.Ms.No.123, dated 11.04.2018, Finance (Allowance) Department and also to revise his terminal benefits, namely gratuity and encashment of 240 days earned leaves based on such wages payable to him on the balance/arrears of gratuity and encashment of earned leave days as Rs.13,731/- and Rs.6,800/- respectively, together with 18% interest p.a., within the time frame fixed by this Court.

Prayer in W.P(MD)No.8037 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to pay the petitioner amount towards the encashment of 102 days of earned leaves surrendered by him before his retirement in the years 2009 to 2016 either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a., from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement within the time frame fixed by this Court.



For Petitioner : Mr.S.Arunachalam
(In both W.Ps')

For Respondent : Mr.P.Balasubramanian
(In both W.Ps')

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COMMON ORDER

W.P(MD)No.8036 of 2019 has been filed seeking issuance of a writ of Mandamus, to direct the respondent to pay Rs.2,334/- to the petitioner towards arrears of wages, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him for the period from the month of January 2018 to March 2018 by taking into account the enhanced rate of dearness allowance as ordered/ fixed for the period from 01.01.2018 to 30.06.2018 in the G.O.Ms.No.123, dated 11.04.2018, Finance (Allowance) Department and also to revise his terminal benefits, namely gratuity and encashment of 240 days earned leaves based on such wages payable to him on the balance/arrears of gratuity and encashment of earned leave days as Rs.13,731/- and Rs.6,800/- respectively, together with 18% interest p.a., within the time frame fixed by this Court.

2.W.P(MD)No.8037 of 2019 has been filed seeking issuance of a writ of Mandamus, to direct the respondent to pay the amount to the petitioner towards the encashment of 102 days of earned leaves surrendered by him before his retirement in the years 2009 to 2016 either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a., from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement within the time frame fixed by this Court.

3.Heard Mr.S.Arunachalam, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned counsel, who takes notice for the respondent. By consent, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4.Though the prayers sought for in these Writ Petitions are larger in nature, the learned counsel appearing for the petitioner confined the same to the extent of seeking for a direction to consider the petitioner's representation with regard to arrears of wages and earned leave surrendered by him, for which, the learned counsel appearing for the respondent has no serious objection.

5.In view of the above, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner, dated 22.12.2018 and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



6. With the above direction, these Writ Petitions stand disposed of. No costs.

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Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar (CS)

To

The General Manager,
The Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.

+2 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-58953, 58952)

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-59467)

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