

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 28.02.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.22060 of 2017**

S.Mathivanan

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to revise the terminal benefits of the petitioner namely gratuity and leave salary, after correctly arriving at the monthly wages payable to him on the month of his retirement by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.01.2011 to 30.06.2011 in the light of G.O.Ms.No.98, Finance (Allowances) Department, dated 28.03.2011 and to pay the arrears of gratuity and encashment of leave as Rs.18,437/- and Rs.8,154/- respectively together with 18% interest p.a and further directing the respondent to pay him the interest amount towards the delayed payment of part of gratuity amount of Rs.4,45,407/- for the period from 01.02.2011 to 10.08.2011 at the rate as per Section 7(3A) of the Payment of Gratuity Act and towards the delayed payment of part of leave encashment amount Rs.2,07,708/- for the period 01.02.2011 to 17.05.2012 at the rate of 18% per annum.

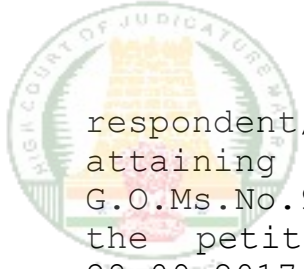
For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the respondent to revise the terminal benefits of the petitioner and other consequential reliefs.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

<https://hcservices.courts.gov.in/hcservices/>
3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Junior Assistant in the



respondent/Corporation on 30.12.1981 and retired from service on attaining the age of superannuation on 28.02.2011. As per G.O.Ms.No.98, Finance (Allowances) Department, dated 28.03.2011, the petitioner sent a representation to the respondent on 28.09.2017, to revise his terminal benefits and to pay arrears for the same. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

4.The learned counsel appearing for the respondent submitted that the representation of the petitioner will be considered on merits.

5.In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondent to consider the representation of the petitioner, dated 28.09.2017 seeking for enhanced rate of Dearness allowance in the light of G.O.Ms.No.98, Finance (Allowances) Department, dated 28.03.2011 and to pay arrears, if any, and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To
The General Manager,
The Management of the Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Kumbakonam,

Kumbakonam.

+1 CC to M/s.S.ARUNACHALAM, Advocate (SR-50854[F] dated 01/03/2019)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-50833[F] dated 01/03/2019)

ds

W.P (MD) No.22060 of 2017
28.02.2019