



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19252 of 2019

G.Nagarajan

... 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.,
Nagapattinam Region,
Nagapattinam.

... Respondents

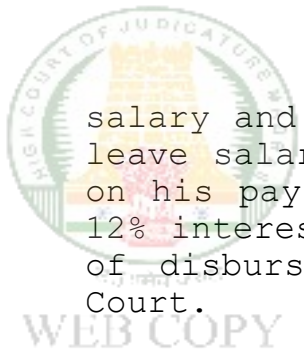
PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the benefit of revised rate of dearness allowance at the rate of 132% to the petitioner instead of 125% as per G.O.Ms.No.309, Finance (Allowances) Department dated 16.12.2016 and consequently direct the respondents to pay him difference in salary and also difference in retiral benefits including gratuity, leave salary, by taking into account the dearness allowance payable on his pay/wages at the rate of 132% instead of 125% together with 12% interest per annum from the date of retirement to till the date of disbursement within a time limit that may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents to extend the benefit of revised rate of dearness allowance at the rate of 132% to the petitioner instead of 125% as per G.O.Ms.No.309, Finance (Allowances) Department, dated 16.12.2016 and consequently direct the respondents to pay him difference in



salary and also difference in retiral benefits, including gratuity, leave salary, by taking into account the dearness allowance payable on his pay/wages at the rate of 132% instead of 125% together with 12% interest per annum from the date of retirement to till the date of disbursement, within a time limit that may be fixed by this Court.

2.Mr.P.Balasubramanian, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the learned counsel for the petitioner, he is entitled to dearness allowance at the rate of 132% as per G.O.Ms.No.309, Finance (Allowances) Department, dated 16.12.2016. The dearness allowances granted to the Government servants was extended to the employees of the respondents Transport Corporation also, as per settlement entered under Section 12(3) of the Industrial Disputes Act. The petitioner retired from service on 31.07.2016. The petitioner is entitled to get benefit as per G.O.Ms.No.309, Finance (Allowances) Department, dated 16.12.2016, which came into effect from 01.07.2016. The respondents paid 125% of dearness allowance and consequent monetary benefits. The petitioner gave representation to the respondents on 3.12.2018 for monetary benefits at 132% as per G.O.Ms.No.309, Finance (Allowances) Department, dated 16.12.2016, but, the respondents have not passed any orders on the representation. Hence, the petitioner has filed the present writ petition.

4. Though the petitioner seeking for a larger relief in the writ petition, considering the facts of the case of the petitioner, it is suffice to direct the respondents to consider the petitioner's representation, dated 03.12.2019 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-85587[F] dated 06/09/2019)

+1 CC to M/s.A.RAHUL, Advocate (SR-85783[F] dated 06/09/2019)

W.P. (MD) No.19252 of 2019
05.09.2019

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