



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.23883 of 2019

T.V.Sundararajan

... Petitioner

WEB COPY

-Vs-

The Management of Tamil Nadu

State Transport Corporation (Kumbakonam) Limited,

Trichy Region, Represented by its General Manager,

Trichy.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to pay arrears of wages to the petitioner, together with 18% interest p.a., after correctly arriving at the monthly wages payable to the petitioner for the period from January, 2019 to February, 2019 by taking note of the enhanced rate of dearness allowance as ordered / fixed for the period from 01.01.2019 to 30.06.2019 in the G.O.Ms.No.151, Finance (Allowances) Department, dated 20.05.2019 and also to revise the petitioner's terminal benefits, namely, gratuity and encashment of 244.5 days earned and sick leaves, based on such wages payable to the petitioner on the month of the petitioner's retirement ie., February, 2019 and accordingly, to pay the petitioner balance / arrears of gratuity and encashment of earned and sick leave days, together with 18% interest pa., within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Sivaraman

ORDER

This Writ Petition is filed to direct the respondent to pay arrears of wages to the petitioner, together with 18% interest p.a., after correctly arriving at the monthly wages payable to the petitioner for the period from January, 2019 to February, 2019 by taking note of the enhanced rate of dearness allowance as ordered / fixed for the period from 01.01.2019 to 30.06.2019 in the G.O.Ms.No.151, Finance (Allowances) Department, dated 20.05.2019 and also to revise the petitioner's terminal benefits, namely, gratuity and encashment of 244.5 days earned and sick leaves, based on such wages payable to the petitioner on the month of the petitioner's retirement ie., February, 2019 and accordingly, to pay the petitioner balance / arrears of gratuity and encashment of earned and sick leave days, together with 18% interest pa., within a time frame as may be fixed by this Court.

2.Mr.D.Sivaraman, learned counsel takes notice on behalf of the respondent. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he was appointed as Junior Tradesman in the respondent Corporation on 19.08.1982 and retired from service on 28.02.2019, on attaining the age of superannuation as Foreman. His terminal benefits were paid belatedly on 20.09.2019. Thereafter, the Government has enhanced the dearness allowance. However, the respondent wrongly calculated the terminal benefits. Therefore, the petitioner has sent a representation dated 30.09.2019 to the respondent, to pay the arrears of wages and arrears of terminal benefits. However, the same has not been considered by the respondent. Hence, the petitioner has come out with the present Writ Petition.

4. Considering the nature of relief sought for in the Writ Petition, without deciding the issue on merits, this Court directs the respondent to consider the representation of the petitioner dated 30.09.2019, on merits and pass orders 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, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

TO

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

+1CC to Mr.P.Sivaraman, Advocate, sr.No.98481
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