



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.24032 of 2019

H.D.Ebenezer

... Petitioner

-Vs-

The Management of
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Rep. by its General Manager,
Trichy.

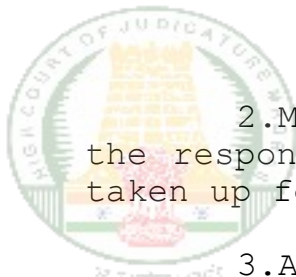
... Respondent

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 him for the month of July, 2018 by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and also to revise his terminal benefits, namely gratuity and encashment of 258 days earned and sick leaves, based on such wages payable to him on the month of his retirement i.e., July 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned and sick leave days, together with 18% interest p.a., 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 him for the month of July, 2018 by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and also to revise his terminal benefits, namely gratuity and encashment of 258 days earned and sick leaves, based on such wages payable to him on the month of his retirement i.e., July 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned and sick leave days, together with 18% interest p.a., 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 Assistant in the respondent Corporation on 25.01.1989 and retired from service on 31.07.2018, on attaining the age of superannuation as 'AD Level-5'. 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 the light of G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 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, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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+1 CC to Mr.D.SIVARAMAN, Advocate (SR-98696[F] dated 15/11/2019)

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