



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.24108 of 2019

K.Dhanabalan

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director
Kumbakonam

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to revise the dearness allowance applicable to the Writ petitioner from 9% to 12% based on G.O.Ms.No.151, Finance (Allowances Department), dated 20th May, 2019 and to pay the difference in the retirement benefits payable to the Writ petitioner within a stipulated time and further direct the respondents to pay interest at the rate of 18% per annum for the belated payments of retirement benefits including Provident Fund, Earned Leave Salary within a time limit that may be fixed by this Court.

For Petitioner : Mr.D.Senthilkumar
For Respondents : Mr.D.Sivaraman

ORDER

This writ petition is filed for a direction to the respondents to revise the dearness allowance applicable to the Writ petitioner from 9% to 12% based on G.O.Ms.No.151, Finance (Allowances Department), dated 20th May, 2019 and to pay the difference in the retirement benefits payable to the Writ petitioner within a stipulated time and further direct the respondents to pay interest at the rate of 18% per annum for the belated payments of retirement benefits including Provident Fund, Earned Leave Salary within a time limit that may be fixed by this Court.

2.Mr.D.Sivaraman, learned counsel takes notice on behalf of the respondents. By consent of 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 Driver in the respondents Corporation in the month of September 1996 and retired from service on 31.01.2019, on attaining the age of superannuation as Special Grade Driver. 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 .10.2019 to the respondents, to pay the arrears of wages and arrears of terminal benefits. However, the same has not been considered by the respondents. 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 respondents to consider the representation of the petitioner dated .10.2019 based on the G.O.Ms.No.151, Finance (Allowances Department), dated 20.05.2019 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, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

msa

+1 CC to Mr.D.SENTHIL KUMAR, Advocate (SR-98889[F] dated 18/11/2019)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-98949[F] dated 18/11/2019)

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VB(13.12.2019) 2P 3C