



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.24152 of 2019

A.Sivanantham

... Petitioner

-Vs-

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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 pa. after correctly arriving at the monthly wages payable to him for the period from 01.01.2019 to 28.02.2019 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 his terminal benefits namely gratuity and encashment of 246 days earned and sick leaves, based on such wages payable to him on the month of his retirement ie. February, 2019 and accordingly to pay him balance /arrears of gratuity and encashment of earned and sick leave days, together with 18% interest per annum 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 has been filed for a direction to 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 period from 01.01.2019 to 28.02.2019 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 his terminal benefits namely gratuity and encashment of 246 days earned and sick leaves, based on such wages payable to him on the month of his retirement ie. February, 2019 and



accordingly to pay him balance /arrears of gratuity and encashment of earned and sick leave days, together with 18% interest per annum 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 parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was working as Conductor in the respondent Transport Corporation and retired from service on 28.02.2019 as Checking Inspector on attaining the age of superannuation. The dearness allowance payable to the petitioner has been increased from 01.01.2019, which resulted in increase in his wages payable to him in the month of his retirement also. Hence, the respondent is bound to pay him arrears of wages and the terminal benefits, after revising the same. Due to that, the petitioner made a representation on 30.09.2019 to the respondent. But the respondent has not taken any action so far. Hence, the petitioner has come up with the present writ petition.

4.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the respondent to consider the representation of the petitioner, dated 30.09.2019, on merits.

5.Considering the nature of relief sought for in the Writ petition, without deciding the issue on merits, the respondent is directed to consider the representation of the petitioner, dated 30.09.2019 and pass orders on merits and in accordance with law, within a period of twelve (12) 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)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-98985[F] 18/11/2019)

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