



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

W.P. (MD) No.25298 of 2019

A.Nallusamy

... 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, to direct the respondent to pay arrears of wages to the petitioner for the period 01.07.2018 to 30.09.2018, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowances as ordered/fixed for the period from 01.07.2018 to 30.09.2018 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 227.5 days earned leaves based on such wages payable to him on the month of his retirement i.e., September 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned 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 for the period 01.07.2018 to 30.09.2018, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.07.2018 to 30.09.2018 in G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and also to revise his terminal benefits, namely gratuity and encashment of 227.5 days earned leave based on such wages payable to him on the month of his retirement i.e., September 2018 and accordingly, to pay him balance/arrears of gratuity and encashment of earned leave wages, together with 18% interest p.a., within a time frame.

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 joined as Junior Tradesman in the respondent Corporation on 26.02.1986 and subsequently, he was promoted as TE Level-5 and retired from service on 30.09.2018, on attaining the age of superannuation. After retirement, the respondent/Corporation settled terminal/pensionary benefits belatedly on 20.09.2019, however, the respondent/Corporation wrongly calculated the terminal benefits of the petitioner. In this regard, he sent a representation, dated 30.09.2019, to the respondent. However, till date, no order has been passed. Hence, the petitioner has come out with the present Writ Petition.

4. Considering the nature of relief sought for in the Writ Petition, this Court without going into the merits of the matter, directs the respondent to consider the representation of the petitioner dated 30.09.2019, on merits and pass appropriate 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 is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

Gns

TO
The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-102543[F] dated 29/11/2019)

W.P. (MD) No.25298 of 2019

KK/SAR/30.12.2019/2P-3C/