



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2019

CORAM:

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

W.P. (MD) No.25301 of 2019

M.P.Dhanasekaran

... 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 January 2019 to February 2019, 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 01.01.2019 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 263 days earned/sick leaves based on such wages payable to him on the month of his retirement i.e., February 2019 and accordingly to pay him balance/arrears of gratuity and encashment of earned/sick leave days, together with 18% interest p.a., within a time frame as may be fixed by this Court.

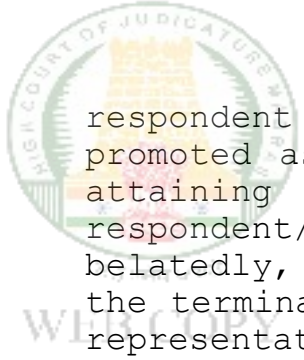
For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.D.Sivaraman

ORDER

This Writ Petition is filed to direct the respondent to pay arrears of wages to the petitioner for the period January 2019 to February 2019, 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 01.01.2019 to 30.06.2019 in G.O.Ms.No.151, Finance(Allowances) Department, dated 20.05.2019 and also to revise his terminal benefits, namely gratuity and encashment of 263 days earned/sick leave based on such wages payable to him on the month of his retirement i.e., February 2019 and accordingly, to pay him balance/arrears of gratuity and encashment of earned/sick 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 Driver in the



respondent Corporation on 16.04.1987 and subsequently, he was promoted as DR Level-5 and retired from service on 28.02.2019, on attaining the age of superannuation. After retirement, the respondent/Corporation settled terminal/pensionary benefits belatedly, 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 ()

// 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-102540[F] dated 29/11/2019)

SMA/03/01/2020/2P/3C

W.P. (MD) No.25301 of 2019