

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :07.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.197 of 2020

G.Mahendran

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636004.

2. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

...Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the retirement benefits such as Social welfare fund of Rs.70,847/- and the earned leave benefit of Rs.18,702/- and to pay the difference in payment of Gratuity and Leave salary based on the revised rate of dearness allowance of 9% with effect from 01.07.2018 and to pay the difference in payment of pension to pay the based on the revised rate of dearness allowance and to pay the interest for the delayed payment of Provident Fund, gratuity, leave salary and commutation.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.D.Raghu,
Standing counsel

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to settle the difference in salary and allowance of the petitioner including the retirement benefits with interest.

2. The case of the petitioner is that he entered the service of the respondent corporation as a conductor in the year 1989 and he was promoted as a Selection Grade Senior Conductor. According to the petitioner, there was a revision in the dearness allowance at the rate of 7% by virtue of G.O.Ms.No.123 dated 11.04.2018 with effect from 01.01.2018. The petitioner retired from service on attaining superannuation on 31.07.2018.

3. The grievance of the petitioner is that the respondent corporation has not paid the differential arrears on the revised dearness allowance for the delayed payments. The petitioner has made a representation on 09.11.2019 in this regard to the respondents and since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and also the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 19.11.2019 and pass orders strictly in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with the copy of the representation dated 19.11.2019 and also a copy of this order.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636007.

2. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

+lcc to Mr.A.Nagarathinam, Advocate sr.1403
+lcc to Mr.D.Raghu, Advocate sr.1266

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