



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.12.2020
CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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W.P.No.10383 of 2014

C.Subramanaian (deceased)
S.Srimathi *

... Petitioner

(*Petitioner substituted in the place of the original
Petitioner vide order dated 11.12.2020 in
W.M.P.No.23002 of 2019)

Versus

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region
Ponnerikarai,
Kancheepuram.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the
respondent Corporation to revise the terminal benefits pension,
commutation and gratuity as per revised rate of D.A. At 65% and
pay the difference amount and also pay simple interest at 18%
belated payment of commutation and gratuity already made within
a time frame.

For Petitioner : Mr.C.Manohar

For Respondents : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed for a direction to the
respondent/ Corporation to revise the terminal benefits,
pension, commutation and gratuity as per the revised rate of
D.A. at 65% and pay the difference amount and also pay simple
interest at 18% belated payment of commutation and gratuity due
to the original petitioner.

2. The original petitioner viz., C.Subramanian died during
the pendency of this writ petition and thereafter, his wife was
substituted in his place vide order dated 11.12.2020 made in
W.M.P. No.23002 of 2019.



3. It is the case of the petitioner that her husband rendered service in the erstwhile Pallavan Transport Corporation from 28.08.1979 as Conductor and thereafter, he was absorbed as an employee in Tamil Nadu State Transport Corporation (Villupuram) Ltd., Kancheepuram and retired as Checking Inspector on 31.03.2012. While so, terminal benefits due to her husband was settled with a delay of 21 months and subsequently D.A. @ 65% was also not revised. Hence, her husband submitted a representation dated 20.02.2014 to the respondent/Corporation, whereby, he requested to revise D.A. and payment of interest for belated payments, which was not considered. Hence, this writ petition.

4. Learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the respondent/Corporation to consider the representation of the original petitioner, within a time frame as stipulated by this Court.

5. Mr.C.S.K.Sathish, learned Standing Counsel appearing for the respondent/Corporation fairly conceded with the submissions of the learned counsel for the petitioner and further submitted that, the petitioner may be directed to send a copy of the representation dated 20.02.2014 to the respondent and the same would be considered on merits and in accordance with law within a reasonable time.

6. In view of the limited relief sought for, this court, without going into the merits of the case, directs the petitioner herein to submit a copy of the representation dated 20.02.2014 to the Respondent/Corporation, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the respondent/Corporation is directed to consider the same and pass appropriate orders with regard to grant of terminal benefits due to the original petitioner, on merits and in accordance with law, within a period of twelve weeks. It is made clear that, the petitioner is entitled for claiming interest on belated payments, if so applicable.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



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To:
The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region
Ponnerikarai,
Kancheepuram.

A.SK(20.01.2021)

W.P.No.10383 of 2014