



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD)No.164 of 2020

K.P.Ramaraju

... 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, directing the respondent to pay arrears of wages to the petitioner for the month of July, 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 31.12.2018 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 241.5 days earned and sick leaves, based on such wages payable to him on the month of his retirement i.e., July, 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned and 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

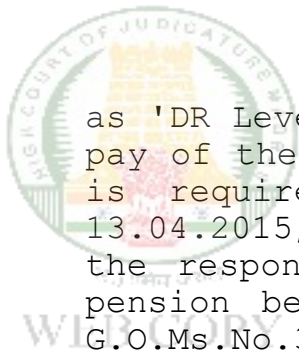
O R D E R

This Writ petition has been filed for a direction to the respondent to pay arrears of wages to the petitioner for the month of July, 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 31.12.2018 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 241.5 days earned and sick leaves, based on such wages payable to him on the month of his retirement i.e., July, 2018 and accordingly to pay him balance/arrears of gratuity and encashment of earned and sick leave days, together with 18% interest p.a.

2.Mr.D.Sivaraman, learned Standing counsel, takes notice for the respondent. By consent of parties, the Writ Petition is taken up for final hearing at the stage of admission itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner has joined service in the respondent Corporation as Driver on 29.09.1988. He was retired from service on 31.07.2018

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as 'DR Level-5' on reaching the age of superannuation. The scale of pay of the petitioner payable to him on the month of his retirement is required to be revised in view of the settlement, dated 13.04.2015, which was given retrospective effect and consequently, the respondent is also bound to revise his terminal benefits and pension benefits. Since the dearness allowance is enhanced vide G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018, the respondent wrongly calculated the terminal benefits. Therefore, there is a difference in calculating his terminal benefits. Therefore, petitioner made a representation to the respondent Corporation on 15.10.2019 in this regard, but no action has been taken by the respondent Corporation so far. Hence, the petitioner has come up with the present Writ petition.

4. Even though the learned counsel for the petitioner raised several grounds in the Writ petition, he submitted that it would suffice, if a direction is issued to the respondent to consider the representation of the petitioner, dated 15.10.2019 in the light of G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018, within a time frame.

5. Considering the submission of the learned counsel for the petitioner, without deciding the issue on merits, a direction is issued to the respondent to consider the representation of the petitioner, dated 15.10.2019 and pass orders thereon, in the light of G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018, within a period of eight (8) weeks from the date of receipt of a copy of this order. If the petitioner is found eligible to any benefits, the same shall be paid within a period of six weeks thereafter.

6. With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

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/ /2020

Sub Assistant Registrar (CS)

Smn

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-472[F] dated 07/01/2020)

SMA/23/01/2020/2P/2C

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