



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4406 of 2020

C.Puyalraman

... Petitioner

vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region
Represented by its General Manager
Karaikudi

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondent to pay the petitioner Rs.3,864/- as towards arrears of wages, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him for the period from the month of January, 2012 to April, 2012 by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.01.2012 to 30.06.2012 in G.O.No.116, Finance (Allowances)Department, dated 09.04.2012 and also to revise his terminal benefits, namely gratuity and encashment of 287 days earned and sick leaves based on such wages payable to him on the month of his retirement ie. April, 2012 and accordingly to pay him balance/arrears of gratuity and encashment of earned and sick leave days as Rs.15,605/- and Rs.9,241/- respectively, 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.P.Balasubramanian

O R D E R

This Writ petition has been filed for a direction to the respondent to pay the petitioner Rs.3,864/- as towards arrears of wages, together with 18% interest p.a., after correctly arriving at the monthly wages payable to him for the period from the month of January, 2012 to April, 2012 by taking note of the enhanced rate of dearness allowance as ordered/fixed for the period from 01.01.2012 to 30.06.2012 in G.O.No.116, Finance (Allowances)Department, dated 09.04.2012 and also to revise his terminal benefits, namely gratuity and encashment of 287 days earned and sick leaves based on such wages payable to him on the month of his retirement ie. April, 2012 and accordingly to pay him balance/arrears of gratuity and encashment of earned and sick leave days as Rs.15,605/- and Rs.9,241/- respectively, together with 18% interest p.a. within a time frame to be fixed by this Court.



2.Mr.P.Balasubramanian, learned Standing Counsel, takes notice for 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 was appointed as Assistant in the respondent Corporation from 01.05.1984 and finally, he was working as Senior Grade Assistant and he retired from service on 30.04.2012 on attaining the age of superannuation. The grievance of the petitioner is that though he was entitled to get wages based on the enhanced rate of dearness allowance, his terminal benefits were calculated based on the pre-revised dearness allowance and thus, the respondent had paid in lesser amount. Therefore, the petitioner made a representation, dated 15.10.2019 to the respondent, but so far, no action has been taken by the respondent. Hence, the petitioner is before this Court.

4.Heard the learned counsel for the petitioner as well as the learned Standing Counsel for the respondent.

6.Considering the limited scope of prayer sought for in the Writ petition and without advertting to the merits of the case, the respondent is directed to dispose the representation of the petitioner, dated 15.10.2019, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Msa

+1 CC to M/s.P.BALA SUBRAMANIAN, Advocate (SR-9596[F]

W.P. (MD) No.4406 of 2020

02.03.2020

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