

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.4085 of 2015

S.Srinivasan

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by the Principal Secretary to Government,
Transport Department, Secretariat,
Fort St. George, Chennai - 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu - Village, Valuthareddy - Post,
Villupuram District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the difference in gratuity on par with G.O.(Ms.) No.235 Finance [pay cell] department dated 01.06.2009 and amount due to the enhancement of leave on private affairs as per Government Finance [BPE] department letter No.37568/BPE/2006 dated 28.01.2008 with interest of 24% on delayed payment.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.A.N.Thambidurai
Special Government Pleader - R1

Mr.C.S.K.Sathish - R2

ORDER

This writ petition has been filed to direct the respondents to pay the difference in gratuity on par with G.O.(Ms.) No.235 Finance [pay cell] department dated 06.06.2009 and the amount due to the enhancement of leave on private affairs as per

Government Finance [BPE] department letter No.37568/BPE/2006 dated 27.01.2008 with interest at 24% on delayed payment.

2. It is the case of the petitioner that he is a retired Senior Deputy Manager in HRD and Legal Department of the respondent Corporation. The first respondent issued G.O.(Ms.) No.63, Transport (D) Department, dated 05.02.2010 extending the revision of pay scales to the Officers of State Transport Undertakings with effect from 01.01.2006 with monetary benefit from 01.01.2007, based on G.O.Ms.No.234 Finance (Pay Cell) Department dated 01.06.2009 and that, G.O.Ms.No.280, Government Finance (BPE) Department, dated 01.07.2009 extending the pension and pensionary benefits given in G.O.Ms.No.235 Finance (Pay Cell) Department, dated 01.06.2009 to the retired employees in the statutory boards, public sector undertakings for those, who are getting pension/pensionary benefits on par with Government employees. According to the petitioner, as per para 2(ix) of G.O.Ms.No.235 Finance (Pay Cell) Department, dated 01.06.2009, the ceiling limit of gratuity payable to retired employees has to be enhanced from Rs.3.50 lakhs to Rs.10.00 lakhs with effect from 01.01.2006 and monetary benefits from 01.01.2007. Pursuant to the same, his pay was revised by the second respondent and the basic pay at the time of his retirement was fixed at Rs.34,200/- + Grade pay of Rs.7,600/- and DA of Rs.14,630/- and the eligible amount of gratuity works out to Rs.9,44,117.30 for the services rendered by him, whereas the second respondent paid only Rs.3.5 lakhs restricting the same. Hence, the petitioner submitted representations to the respondents requesting to pay the difference in gratuity of Rs.5,94,117.30. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the petitioner's latest representation dated 07.12.2014 claiming the relief as sought in this writ petition, is directed to be considered by the second respondent in the light of G.O.Ms.235 Finance [Pay Cell] Department dated 01/06/2009, within a time frame to be stipulated by this Court, for which, there is no serious objection on the side of the respondents.

4. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the second respondent to consider the representations dated 07.12.2014 made by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, and also in the light of G.O.Ms.235 Finance [Pay Cell] Department dated 01/06/2009, within a period of eight weeks from the date of

receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vrc

To

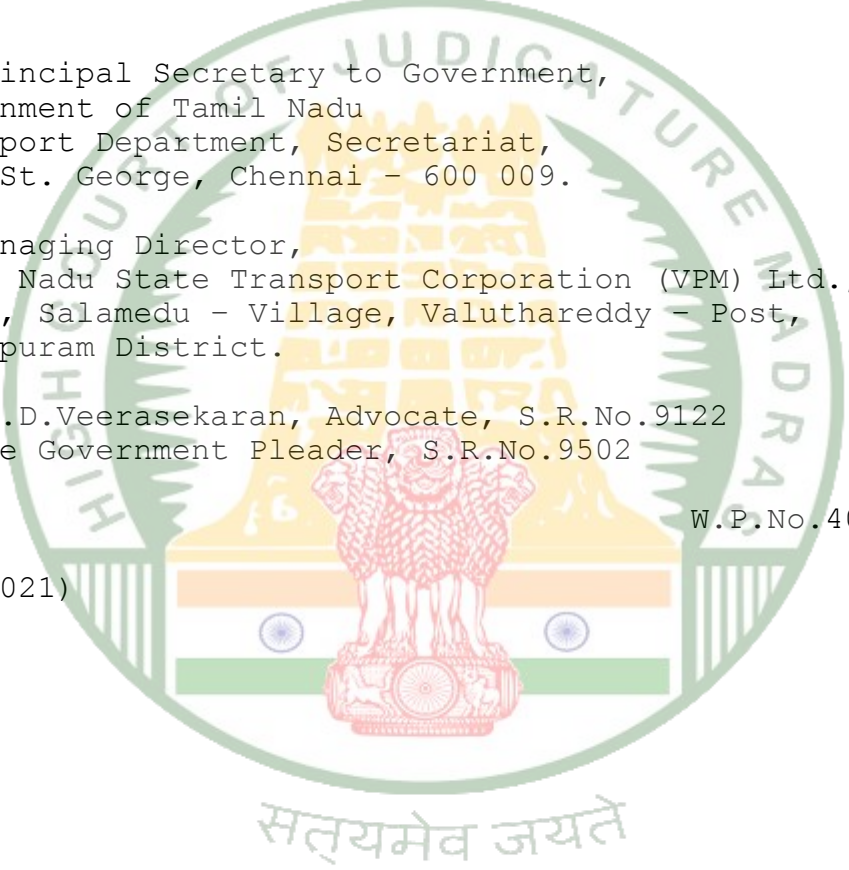
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Villupuram District.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.9122

+1cc to the Government Pleader, S.R.No.9502

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UM(CO)
CB(13/07/2021)



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