



W.P.No.24759 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.09.2022**

**CORAM :**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**Writ Petition No.24759 of 2022**

D.Sampathkumar

.... Petitioner

-Vs-

1.Tamil Nadu State Transport Corporation  
(Villupuram) Limited, represented by its  
Managing Director, Valudhareddy (PO)  
Salamedu, Villupuram.

2.The Administrator  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust  
No.2, Pallavan Salai, Chennai 600 002.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to pay the arrears arises on enhancement of Dearness Allowance 12 percent to 17 percent of Leave Salary amount along with Social Security Scheme Fund Earned Leave Surrender Arrears of Dearness Allowance contribution amount of I.R.T. Engineering and Medical College with 18 percent interest for the belated payment of terminal benefits payable to petitioner from the date of Petitioners retirement i.e. 31.08.2019 to 27.1.2021 for already settled amount and for arrears to be settled till the date of actual payment to petitioner and all other attendant benefits within the stipulated period.



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For Petitioner : Mr.M.V.Arunkumar  
For Respondents : Ms.S.Pavithra  
Standing Counsel – for R1  
Mr.C.S.K.Sathish  
Standing Counsel – for R2

### **ORDER**

The prayer sought for herein is for a Writ of Mandamus directing the respondent to pay the arrears arises on enhancement of Dearness Allowance 12 percent to 17 percent of Leave Salary amount along with Social Security Scheme Fund Earned Leave Surrender Arrears of Dearness Allowance contribution amount of I.R.T. Engineering and Medical College with 18 percent interest for the belated payment of terminal benefits payable to petitioner from the date of Petitioners retirement i.e. 31.08.2019 to 27.1.2021 for already settled amount and for arrears to be settled till the date of actual payment to petitioner and all other attendant benefits within the stipulated period.

2. The petitioner was working as Assistant Manager at the first respondent Transport Corporation and retired from service on 31.08.2019. After his retirement, he made a request on 30.09.2019 to settle his retirement and pensionary benefits like Gratuity, Earned Leave Surrender, Cash value of leave on private affairs, commutation on pension or otherwise monthly pension etc.,



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3. In this regard, only a part of such amounts have been paid and the remaining amounts have still not been paid and also DA Arrears have also not been paid. In order to get those unpaid amounts and also interest on the belated payment of certain amounts on four heads mentioned above, the petitioner has given a representation to the respondents on 15.11.2019 and since the same also has not been considered, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.M.Varunkumar, learned counsel for the petitioner, Ms.S.Pavithra learned Standing Counsel for the first respondent and Mr.C.S.K.Sathish, learned Standing Counsel for the second respondent.

5. Learned Standing Counsel for the first respondent has pointed out that under the three heads the following amounts have been paid to the petitioner, which he has received.

| S.No. | Payment for        | Amount Rs.        | Cheque No. | Cheque Dt. |
|-------|--------------------|-------------------|------------|------------|
| 1.    | Surrender Leave    | 657253.00         | 179772     | 21/01/2021 |
| 2.    | Gratuity Amount    | 1515877.00        | 351670     | 22/01/2021 |
| 3.    | Commutation Amount | 1155198.00        | 480701     | 22/01/2021 |
|       | <b>TOTAL</b>       | <b>3328328.00</b> |            |            |



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6. By relying upon this communication, the learned Standing Counsel for the first respondent submits that, since the amounts payable to the petitioner under three heads viz., Surrender Leave, Gratuity and Commutation amount have been paid to the extent of Rs.33,28,328/- and the petitioner has received the same, the question of making any further payment under those heads does not arise. Moreover, since the petitioner retired from service on 31.08.2019 and those amounts have been paid on 21.02.2021 by way of Cheque, there has been no such delay and only a reasonable period was taken by the respondent Corporation in calculating the retirement benefits payable to the petitioner on his retirement and accordingly the same were paid. Therefore, under the head of interest also no amount can be claimed by the petitioner.

7. She would also submit that, insofar as the arrears of dearness allowance is concerned, whether the petitioner is eligible for such dearness allowance or not has to be gone into and in this regard, his request would be considered and disposed of on merits and in accordance with law.

8. I have considered the submissions made by the learned counsel for both sides and have perused the materials placed on record, especially the submissions made by the learned Standing Counsel for the first respondent, who has pointed out that the entire amount payable to the petitioner under the three



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heads indicated above has already been paid on 22.01.2021. Moreover, the petitioner retired on 31.08.2019 and the amounts were paid on 22.01.2021. Therefore, it cannot be said that there has been huge delay in making the payment. Therefore, the petitioner is not entitled for any interest for the alleged belated payment of those amounts.

9. However, insofar as the plea raised by the petitioner to get the arrears of dearness allowance, the request of the petitioner dated 15.11.2019 can be considered by the first respondent on merits and in accordance with law and according to his entitlement if any amount is payable, the same may be calculated and be paid. Otherwise, an order to that effect can be communicated to the petitioner by the first respondent within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is disposed of. No costs.

**15.09.2022**

Index : Yes/No  
Internet : Yes/No  
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**R. SURESH KUMAR, J.**

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To

- 1.The Managing Director  
Tamil Nadu State Transport Corporation  
(Villupuram) Limited, Valudhareddy (PO)  
Salamedu, Villupuram.
- 2.The Administrator  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust  
No.2, Pallavan Salai, Chennai 600 002.

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