

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20063 of 2022

K.Periyasamy

... Petitioner

Vs.

The Management of Tamil Nadu 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, praying this Court to issue a Writ of Mandamus, to direct the respondent to revise the wages of the petitioner for the period from 01.1.19 to 28.02.19 by taking note of the enhanced rate of dearness allowance as ordered/fixed in the G.O.Ms.No.151, Finance (Allowances) Department dated 20.05.2019 and to pay him arrears of wages for the period from 1.1.19 to 28.02.19 together with 18 percentage interest p.a and also to revise/re-calculate his terminal benefits, namely gratuity and encashment of earned and sick leaves based on such wages payable to him on the month of his retirement i.e Feb, 2019 and accordingly to pay him the balance of those benefits, 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.K.Jagadees Balan

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was employed in the respondent Transport Corporation. He since retired from service. He has also been settled with terminal benefits.

3. The grievance of the writ petitioner is that on account of the belated notification in the matter of revising dearness allowance, the writ petitioner's last drawn pay was calculated with reference to the pre-revised dearness allowance. To be more clear, dearness allowance is fixed for the month of January to June and again from July to December. In other words, dearness allowance is fixed on 1st of January every year and again on 1st of July every year to be followed for the succeeding six months. For instance, if an employee retires in February, but the notification revising dearness allowance is issued in April, the concerned employee's pay drawn is determined with reference to the pre-revised dearness allowance.

4. When the matter was taken up for hearing, the Management fairly stated that the subsequent revision of dearness allowance will be taken into account and the dues of leave salary as well as the dues of gratuity will be appropriately calculated and the eligible amount payable to the petitioner will be paid within a period of six months. This of-course will carry interest at the rate of 6% per annum.

5. The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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