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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.27190 of 2022

N.Balasubramanian,
(Staff No.93 CR 2012 /16100),
Soecial Grade Conductor (Rtd.). ... Petitioner

Vs.

1. The Managing Director,
   Tamil Nadu State Transport Corporation
   (Kumbakonam) Ltd.,
   Kumbakonam, Thanjavur District.

2. The General Manager,
   Tamil Nadu State Transport Corporation
   (Kumbakonam) Ltd.,
   Trichy Region, Periyamilaguparai,
   Tiruchirapalli District. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave and sanction the balance amount of Gratuity and Earned Leave Salary at the rate of 12% Dearness Allowance along with 6% interest per annum to the petitioner within the time limit that may be fixed by this Court.

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For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel.

* * *

O R D E R

Heard the learned counsel on either side.

2.The writ petitioner is working in the respondent corporation. He reached the age of superannuation and retired from service. He alleges that while computing his terminal benefits, his dearness allowance was erroneously reckoned. According to him, the figures are as follows:-

D.A. percentage ought to have been taken by the respondent corporation	D.A. percentage taken (at the time of retirement) by the respondent corporation
12%	9%

3. I consciously refrain from going into the question as to whether the aforesaid table is factually correct. It is however beyond dispute that the dearness allowance as

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mentioned in their respective computation was on the lower side. Therefore, the respondents are directed to rework the petitioner's terminal benefits by taking his dearness allowance at the appropriate rate. The differential amount shall be paid to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order. This payment will carry interest at the rate of 6% per annum.

4.The writ petition is allowed on these terms. No costs.

01.12.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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2. The General Manager,
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G.R.SWAMINATHAN,J.

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