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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2337 of 2023

S.Palaniappan

Petitioner

vs.

1.The Managing Director,
Tamil nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram – 605 602.

2.The Administrator,
Tamil nadu State Transport Corporation Limited,
Employees Post Retirement Benefit Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai – 600 002.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to settle the differential leave salary amount, interest for belated payment of commutation, PRBS amount and balance of interest for belated payment of gratuity Rs.15,000/- along with interest at the rate of 18 percent within the stipulated time.



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For Petitioner : Mr.J.Pradeep

For Respondent : Mr.Venkatesa Perumal
Standing Counsel

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to settle the differential leave salary amount, interest for belated payment of commutation, PRBS amount and balance of interest for belated payment of gratuity Rs.15,000/- along with interest at the rate of 18%.

2.The case of the petitioner is that originally the petitioner was appointed as Junior Assistant and subsequently he was promoted to the post of Superintendent. Ultimately, the petitioner retired from the post of Superintendent on attaining superannuation on 31.07.2016. The further case of the petitioner is that at the time of retirement he was paid the retirement benefits and Provident fund only. Insofar as the other benefits viz., the gratuity, commutation and surrender leave salary, it was paid belatedly.



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3.The grievance of the petitioner is that in terms of the benefits of the 7th Pay Commission, the petitioner is entitled for revision of pay and the consequential benefits to which the petitioner is entitled. The petitioner made an application under the RTI Act and was informed that these benefits are extended even insofar as retirement benefits are concerned. The petitioner made a representation in this regard to the respondents on 10.03.2021 and since the same did not evoke any response, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.J.Pradeep, learned counsel appearing on behalf of the petitioner and Mr.Venkatesa Perumal, learned Standing Counsel appearing on behalf of the respondents.

5.Taking into consideration the limited relief sought in the present writ petition and without going into the merits of the case, there shall be a direction to the 1st respondent to consider the representation made by the petitioner on 10.03.2021 on its own merits and in accordance with law and in line with the relevant Government Orders and a decision shall



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be taken, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order.

6.In the result, this writ petition is allowed with the above direction. No Costs.

02.02.2023
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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

To

1.The Managing Director,
Tamil nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram – 605 602.



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N. ANAND VENKATESH, J.

SSI

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