



WEB COPY



W.P.No.1447 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.1447 of 2020

R. Sabapathy

... Petitioner

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy Post,
Salamedu,
Villupuram 605 602.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme
Thriuvallur House, Pallavan Salai,
Chennai 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to pay difference of terminal benefits of Gratuity, Commutation, Leave salary and arrears monthly pension for 55 months eligible enhance dearness allowance at the rate of 100% as per G.O. M.S.No.55 dated 01.01.2014 as well as 2013



W.P.No.1447 of 2020

12th wage settlement along with 4th review benefits within the stipulated time as may be fixed by this Court.

For Petitioner : Mr. N.Desinghu
For Respondents : Mr.M.Aswin
Standing Counsel for R1
Mr.C.S.K.Sathish
Standing Counsel for R2

ORDER

The petitioner has filed this petition seeking direction to the respondents to pay difference of terminal benefits of Gratuity, Commutation, Leave salary and arrears monthly pension for 55 months eligible enhance dearness allowance at the rate of 100% as per G.O. M.S.No.55 dated 01.01.2014 as well as 2013 12th wage settlement along with 4th review benefits within the stipulated time.

2. The case of the petitioner is that the petitioner viz., R.Sabapathy joined the service of the respondent Corporation as Conductor on 08.06.1981 and his service was regularised on 01.11.1982. According to the petitioner, he retired on 30.06.2014 and the terminal benefits ought to have been calculated in the year 2013. However, due to 12th wage settlement entered



between Management and Workers Union, effecting from 01.09.2013, it was decided that the petitioner was entitled for 5.5% increase in basic pay with effect from 01.09.2013. The respondent Transport Corporation has calculated the petitioner's last month basic pay by adding 5.5% salary but in respect of terminal benefits viz., Gratuity, Commutation, Earn leave salary and pension the respondent Corporation not yet calculated the increased basis pay @ 5.5%. Hence he gave a representation to the respondents seeking for the payment of difference in terminal benefits. Since there was no response, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's representation dated 17.06.2019 and pass appropriate orders on merits, within a particular time frame to be fixed by this Court.

4. The learned Standing Counsel appearing for the respondents submitted that he has no objection for the said order being passed by this



W.P.No.1447 of 2020

Court.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 17.06.2019 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above observation and direction. No costs.

10.07.2023
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dpq
Index : Yes/No
Speaking Order : Yes/No



W.P.No.1447 of 2020

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W.P.No.1447 of 2020

J. SATHYA NARAYANA PRASAD, J.

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W.P.No.1447 of 2020
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