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Writ Petition No.3522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3522 of 2023

S.Babu

S/o.Suburama Naidu

... Petitioner

Vs.

The Managing Director,

Tamil Nadu State Transport

Corporation (Villupuram) Ltd.,

Kancheepuram Region,

No.3/137, Salamedu, Varuthareddy Post,

Villupuram 605 602.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondent to reckon the calculation on the basis of the 7th pay commission issued vide G.O. Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017 for the settlement of retirement benefits to the petitioner and to make the difference of gratuity difference of leave salary and CRBS amount payable to the petitioner together with interest of 6% from the date of retirement (31.01.2016) to the date of settlement by following the common order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.



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For Petitioner : Mr.V.S.Jagadeesan
For Respondent : Mr.Venkatesaperumal
Standing Counsel

ORDER

This writ petition has been filed seeking for issuance of a writ of mandamus directing the respondent to settle the retirement benefits to the petitioner on the basis of 7th Pay Commission recommendation along with interest from the date of retirement till the date of actual settlement of the retirement benefits.

2. The case of the petitioner is that he was an employee of the respondent Corporation and on attaining superannuation, he retired from service on 31.01.2016. The petitioner has also been paid the terminal benefits such as pension commutation, gratuity and leave salary. According to the petitioner, even these benefits were paid only after one year from the date of retirement.

3. The claim made by the petitioner is that the 7th Pay Commission has been implemented *vide* G.O.Ms.No.303, Finance (Pay Bill) Department, dated 11.10.2017. A subsequent Government Order was



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issued in G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, wherein, it was stated that based on the recommendation of the 7th Pay Commission, revision of pension and other retirement benefits will also be done wherever the retirement of the employee has taken place between 01.01.2016 and 31.03.2018. Since the petitioner has retired on 31.01.2016 he is falling within the curcial date. Hence, the petitioner is seeking for the benefits as given in the relevant Government orders. The petitioner has given a representation in this regard to the respondent on 09.01.2023. Since the same was not considered, yet another representation was made on 25.01.2023. The same did not evoke any response and hence, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.V.S.Jagadeesan, learned counsel for petitioner and Mr.Venkatesaperumal, learned Standing Counsel, appearing for respondent.

5. Taking into consideration the facts and circumstances of the case and taking note of the earlier order passed by this Court in



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N.ANAND VENKATESH, J

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W.P.No.30636 of 2022 touching upon the very same issue, this writ petition is disposed of with a direction to the respondent to pay the differential amount as claimed by the petitioner with interest at the rate of 4% per annum, based on the representation made by the petitioner on 09.01.2023. Such payment shall be made within a period of twelve (12) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the respondent along with all relevant documents and also a copy of this order.

In the result, this writ petition is disposed of with above directions.

No costs.

09.02.2023

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

rap/gm

To

The Managing Director,

Tamil Nadu State Transport Corporation (Villupuram) Ltd.,

Kancheepuram Region,

No.2/137, Salamedu, Varuthareddy Post,

Villupuram 605 602.

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