



W.P.No.26599 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.26599 of 2023

A.Gandeeban

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Valudhareddy Post,
Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office,
Karapettai, Ponnerikarai,
Kancheepuram – 631 552.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
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 to direct the respondents to reckon the calculation with 12% of Dearness Allowance, as ordered in G.O.Ms.No.154, Finance (Pension) Department, dated 20.05.2019, for settlement of service Gratuity and Leave Salary and to pay the monetary



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value of 3% of increased dearness allowance with 4% interest per annum from the date of retirement, in the light of the judgment of this Court made in W.P.No.14421 of 2022, dated 25.08.2022.

For Petitioner : Mr.N.Ishak

For R1 and R2 : Mr.R.Venkatesa Perumal

For R3 : Mr.C.S.K.Sathish

ORDER

This writ petition has been filed to direct the respondents to reckon the calculation with 12% of Dearness Allowance, as ordered in G.O.Ms.No.154, Finance (Pension) Department, dated 20.05.2019, for settlement of service Gratuity and Leave Salary and to pay the monetary value of 3% of increased dearness allowance with 4% interest per annum from the date of retirement, in the light of the judgment of this Court made in W.P.No.14421 of 2022, dated 25.08.2022.

2.It is the case of the petitioner that he retired from the respondent Corporation on 30.04.2019 and his terminal benefits were settled by fixing the Dearness Allowance @ 9% that was in existence as on 30.04.2019. However, the Government, by G.O.Ms.No.154, Finance



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(Pension) Department, dated 20.05.2019, enhanced the Dearness Allowance to 12% with retrospective effect from 01.01.2019. This Court, by a common order in W.P.No.20116 of 2014, etc., batch, dated 22.12.2015, has ordered that any increase in Dearness Allowance can be made applicable for computation of Gratuity for the period during which the workmen were in service. Therefore, the petitioner made a representation to the respondents to settle the difference of 3% Dearness Allowance in his retirement benefits with interest @ 4% p.a. Since the same was not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.R.Venkatesa Perumal, learned counsel, who takes notice for the respondents 1 and 2 and Mr.C.S.K.Sathish, learned counsel, who takes notice for the 3rd respondent.

4.Considering the limited nature of relief sought for in the present writ petition, there shall be a direction to the respondents to disburse the eligible amount payable to the petitioner with interest at the rate of 4% per annum for such belated payment to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is disposed of. No

costs.

12.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

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N. SATHISH KUMAR, J.
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