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W.P.No.28452 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.28452 of 2023

M.Subramanian

... Petitioner

Vs.

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

2. The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Regional Office
Ponnerikkarai, Karapettai,
Chennai Bangaluru Highway
Kancheepuram – 631 552

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to pay the pending amount of difference of Leave Liability of Rs.36,984/- difference of gratuity of Rs.9,857/- and Rs.19,940/- of surrender value of earned leave as communicated in letter no.61540/S.Admn12/TNSTC(V)KPM/2023 dated 03.08.2023 and letter no.123/P1TNSTC(VPM)KPM/2023 dated 23.08.2023 under Right to Information act 2005 along with interest at the rate of 4% per annum payable from the date of retirement in the light of Judgment made by this Court on 15.06.2023 in W.P.No.17792 of 2023 within the time that may be stipulated by this Court.



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For Petitioner : Mr. N.Ishak

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

With consent on either side, the main Writ Petition itself is taken up for final disposal at the admission stage.

2. The petitioner had retired from service from the respondent Corporation on 31.07.2022. From the retirement benefits, many dues including difference of leave salary and difference of service gratuity amount are still pending even after settling the terminal benefits on 30.05.2023. To an application made by the petitioner under the Right to Information Act, seeking for pending quantum difference of leave salary and the gratuity amounts payable, the respondents, in their replies dated 03.08.2023 and 23.08.2023 had stated that a sum of Rs.36,984/- as difference of leave liability, Rs.59,857/- as difference of Gratuity and Rs.19,940/- as surrender value of earned leave are pending payable amounts.

3. In view of the admitted fact that the petitioner is eligible for the amount, which has not been paid till date, the petitioner would be entitled for interest on the outstanding amount. Further, this Court in W.P.No.17792 of 2023 dated 15.06.2023 has also directed the authorities to pay interest for the belated payment.



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4. In the light of the above observations and the earlier order passed by this Court in W.P.No.17792 of 2023 dated 15.06.2023, the respondents are directed to pay the petitioner a sum of Rs.36,984/-, as difference of leave liability, Rs.59,857/-, as difference of Gratuity and Rs.19,940/-, as surrender value of earned leave sum of Rs.36,984/- as difference of leave liability, Rs.59,857/- as difference of Gratuity and Rs.19,940/-, as surrender value of earned leave together with interest at the rate of 4% from the date on which he would be eligible for such payment, till the date of actual disbursement, within a period of four weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition stands allowed. No costs.

04.10.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order

ssd

To

1. The Managing Director,
Metropolitan Transport Corporation (Villupuram) Ltd.,
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Villupuram – 605 602

2. The General Manager,
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V.BHAVANI SUBBAROYAN J.

ssd

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