



W.P.(MD)No.1064 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1064 of 2023

M.Kaleeswaran

... Petitioner

Vs.

The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Represented by its Managing Director,
Karaikudi.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to pay the petitioner the difference in his terminal benefits, namely, Gratuity and Encashment of Leave, as admitted in the order dated 10.07.2019, together with 18% interest per annum from 04.01.2018.

For Petitioner	:	Mr.S.Arunachalam
For Respondent	:	Mr.K.Jagadees Balan Standing Counsel



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ORDER

This Writ Petition has been filed for a direction to the respondent to pay the difference in the petitioner's terminal benefits, namely, Gratuity and Encashment of Leave, as admitted in the order dated 10.07.2019, together with 18% interest per annum from 04.01.2018.

2. The case of the petitioner is that the petitioner was working as a Conductor in the respondent Corporation from 17.01.1985. After completion of 32 years of service, he was promoted as Selection Grade Checking Inspector and thereafter, he retired from service on 30.06.2017. As per the New Wage Settlement, the petitioner's scale of pay is required to be refixed with effect from 01.09.2016, but the respondent has failed to refix his pay. Hence, the petitioner has filed a Writ Petition in W.P.(MD)No. 7488 of 2019 to revise his scale of pay from 01.09.2016 to till his retirement based on the wage settlement dated 04.01.2018. This Court, by order dated 29.03.2019, directed the respondent to consider the representation of the petitioner, pursuant to that the respondent has failed to consider the same. Hence, the petitioner has made another representation to the respondent on



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25.11.2022. But, till date, no order was passed. Therefore, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondent is directed to consider the representation of the petitioner, dated 25.11.2022, on merits and in accordance with law, within a specified period.

4. The learned Standing Counsel appearing for the respondent has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation, dated 25.11.2022 and to disburse the difference in terminal benefits, i.e., Gratuity and Encashment of Leave, with applicable interest within a period of four weeks from the date of receipt of a copy of this order.



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costs.



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6. With the above direction, this Writ Petition is disposed of. No

20.01.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Managing Director,
The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.



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M.DHANDAPANI,J.

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