



W.P(MD)No.4918 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4918 of 2023

G.Avani

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Represented by its Managing Director,
No.27, Railway Station New Road,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

3.The Administrator,
The Tamil Nadu Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 02.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to revise the wages of the petitioner for the period from



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01.07.2019 to 30.09.2019 by taking note of the enhanced rate of dearness allowance as ordered/fixed in the G.O.Ms.No.323, Finance (Allowances) Department dated 17th October 2019 and in terms of 14th Wage Revision Settlement signed under Section 12(3) of the I.D. Act and consequently to pay him arrears of wages for the period from 01.07.2019 to 30.09.2019 and also revise his terminal benefits including gratuity, leave salary, commutation and monthly pension based on the such wages payable to him on the date of his retirement I.e., on 30.09.2019 and accordingly to pay him the difference in gratuity, leave salary, commutation and pension along with interest at the rate of 6% per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan,
Standing Counsel for R1 & R2.
Mr.S.C.Herold Singh,
Standing Counsel for R3.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was employed in the respondent Transport Corporation. He since retired from service. He has also been settled with terminal benefits.



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3. The grievance of the writ petitioner is that on account of the belated notification in the matter of revising dearness allowance, the writ petitioner's last drawn pay was calculated with reference to the pre-revised dearness allowance. To be more clear, dearness allowance is fixed for the month of January to June and again from July to December. In other words, dearness allowance is fixed on 1st of January every year and again on 1st of July every year to be followed for the succeeding six months. For instance, if an employee retires in February, but the notification revising dearness allowance is issued in April, the concerned employee's pay drawn is determined with reference to the pre-revised dearness allowance.

4. When the matter was taken up for hearing, the Management fairly stated that the subsequent revision of dearness allowance will be taken into account and the dues of the terminal benefits including the service of the writ petitioner will be appropriately calculated and the eligible amount payable to the petitioner will be paid within a period of six months. This of course will carry interest at the rate of 6% per annum.



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G.R.SWAMINATHAN, J.

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5.The writ petition is allowed accordingly. No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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