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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7487 of 2023

P.Murugesan ... Petitioner

Vs.

The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai, Chennai. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to revise the wages of the petitioner for the period from 01.01.2018 to 28.02.2018 by taking note of the enhanced rate of dearness allowance as ordered/fixed in the G.O.Ms.No.123, Finance (Allowances) Department dated 11.04.2018 and to pay him arrears of wages for the period from 01.01.2018 to 28.02.2018 together with 6% interest per annum and also to revise/re-calculate his terminal benefits, namely gratuity and encashment of earned and sick leaves based on such wages payable to him on the month of his retirement i.e 28.02.2018 and accordingly to pay him the balance of those benefits, together with 6% interest per annum within a time frame as may be fixed by this Court.

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For Petitioner : Mr.A.Rahul

For Respondent : Mr.K.Senthilkumar,
Standing Counsel.

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.

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

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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 leave salary as well as the dues of gratuity will be appropriately calculated and the eligible amount payable to the petitioner will be paid within a period of three months from the date of receipt of a copy of this order. If the amount is paid within three months, it will not carry interest. If it is not paid within three months, it will carry interest at the rate of 6% per annum from the date of the petitioner's original entitlement.

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

27.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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