



W.P.(MD)No.8326 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 12.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.8326 of 2023**

M.Durairaj

... Petitioner

Vs

- 1.The State represented by  
The Secretary to Government,  
Transport Department,  
Secretariat,  
Chennai – 600 009.
- 2.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Kumbakonam,  
Thanjavur District.
- 3.The General Manager,  
Tamil Nadu State Transport Corporation,  
(Kumbakonam) Limited,  
Trichy Region,  
Periyamilaguparai,  
Trichirapalli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave and



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sanction the balance amount of Gratuity and Earned Leave Salary at the rate of 119 percent Dearness Allowance along with 6 percent interest per annum to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Jagadees Balan  
Standing Counsel

### **ORDER**

Heard the learned counsel on either side.

2.The writ petitioner was working as TE – Level 5 in the respondent corporation. He joined service on 04.03.1980 and retired on 31.10.2015. It appears that the terminal benefits were computed by taking the dearness allowance as 113% instead of 119%. There is no dispute that an error in computation had taken place. Therefore, the respondents are directed to rework the petitioner's terminal benefits by taking his dearness allowance as 119%. In similar matters I had directed the Management to pay interest. The learned Standing Counsel would submit that when the petitioner has belatedly approached the Court, the Management ought not to be saddled with direction to pay interest. I find the said contention to be acceptable. The Management shall pay the amount now quantified within a period of four months from the date of receipt of a copy of this order.



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3.This writ petition is allowed on these terms. There shall be no order as to costs.

**12.04.2023**

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

To

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**G.R.SWAMINATHAN, J.**

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