



W.P(MD)No.12771 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12771 of 2023

C.Sundaram

... Petitioner

Vs.

1.The Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region, Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to revise petitioner's terminal leave salary by taking Dearness Allowance at the rate of 113 percentage as per G.O.No.121, Finance (Allowances) Department dated 22nd April 2015 and consequently pay the petitioner's the difference in terminal leave salary of Rs 62,471/- with interest at the rate of 6 percentage per annum from



W.P(MD)No.12771 of 2023

the date of the petitioner's retirement to till the date of settlement within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jegadeesh Balan,
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



W.P(MD)No.12771 of 2023

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 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 six months.

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

02.06.2023

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



WEB COPY



W.P(MD)No.12771 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.12771 of 2023

02.06.2023