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W.P.(MD)NO.15527 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15527 of 2023

M.Rajendran

... Petitioner

Vs.

1.The State Express Transport Corporation
(Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai – 600 002.

2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to compute and pay to the petitioner difference in gratuity and difference in leave salary based on the Dearness Allowance at the rate of 17% as per G.O. (Ms).No.323, Finance (Pension) Department, dated 17.10.2019 together with interest at the rate of 6% per annum.



For Petitioner : Mr.A.Rahul
For R-1 : Mr.K.Senthilkumar,
Standing Counsel.
For R-2 : Mr.S.C.Herold Singh,
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 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.

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

30.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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