



W.P.(MD).No.19665 of 2023

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

**DATED : 11.09.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD).No.19665 of 2023**

A.Samuvel Royar Keeran

... Petitioner

Vs.

The Management of Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Represented by its General Manager,  
Trichy.

... Respondent

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay the petitioner arrears of wages for the month of July, 2018, after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowances as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and also balance/arrears of gratuity and encashment of leaves, after revising those benefits based on such wages payable to him on the month of his retirement i.e., July 2018 as agreed in the order, dated 17.02.2020, together with 18% p.a within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam



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For Respondent : Mr.K.Jegadeesh Balan  
Standing Counsel

### **ORDER**

The present writ petition has been filed seeking direction to the respondent to pay the petitioner arrears of wages for the month of July, 2018, after correctly arriving at the monthly wages payable to him by taking note of the enhanced rate of dearness allowances as ordered/fixed for the period from 01.07.2018 to 31.12.2018 in the G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and also balance/arrears of gratuity and encashment of leaves, after revising those benefits based on such wages payable to him on the month of his retirement i.e., July 2018 as agreed in the order, dated 17.02.2020, together with 18% p.a within a time frame as may be fixed by this Court.

2. The petitioner was appointed as Driver in the Transport Corporation on 27.02.1986. After serving a period of more than 32 years, he retired from service on 31.07.2018 on reaching the age of superannuation, . Though the petitioner had retired on 31.07.2018, he was given wages for the month of July



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2018 i.e., the month of his retirement, with dearness allowance fixed for the earlier period i.e., from 01.01.2018 to 30.06.2018, but not based on the rate of dearness allowance as fixed for the period from 01.07.2018 to 31.12.2018 by the Government on 18.09.2018. The petitioner was entitled to get arrears of wages for the period of one month i.e., July 2018 and the same was not paid by the respondent. He is also entitled to get his terminal benefits based on the wages payable to him for the month of his retirement i.e., July 2018. Due to the fact that his terminal benefits were paid to him belatedly only on 20.09.2019, after the Government Order, dated 18.09.2018 enhancing the dearness allowance, the respondent wrongly calculated his terminal benefits, namely gratuity and leave salary. Hence, differences in calculating his terminal benefits, especially gratuity and leave salary has occurred.

3. Despite several requests made by the petitioner, the respondent did not come forward to pay the said amount. Hence, he filed W.P(MD)No.26188 of 2019 before this Court seeking to direct the respondent to pay arrears of wages for the month of July 2018 with interest. However, this Court passed an order on 03.01.2020 directing the respondent to consider the petitioner's representation, dated 15.10.2019. Even after passing 3 years, the respondent



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have not yet sanctioned the said amount. However, passed an order, dated 17.02.2020 stating that the same will be disbursed to him at the earliest. Even after a period of 3 years from the date of the said order, dated 17.02.2020, so far the amount to which the petitioner is entitled to has not been paid by the respondent. Hence, this writ petition came to be filed.

4. The learned standing counsel for the Transport Corporation submitted that as per the order passed by the respondent Corporation on 17.02.2020, the eligible amount will be paid at the earliest.

5. This Court strongly condemn the callousness of the respondent in disbursing the amount of difference in wages as directed by this Court on 03.01.2021. Such a prolonged delay is condemnable and hence, this Court hereby directs the respondent to immediately pay the petitioner with arrears of wages for the month of July 2018, after correctly arriving at the the monthly wages payable to him by taking note of the enhanced rate of dearness allowance as ordered for the period from 01.07.2018 to 31.12.2018 in G.O.Ms.No.313, Finance (Allowances) Department, dated 18.09.2018 and the arrears of the gratuity and encashment of leaves, after revising those benefits



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based on such wages payable to the petitioner on the month of his retirement i.e., July 2018, as per the order, dated 17.02.2020 with 6% interest. The said exercise shall be completed within a period of one month from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition stands disposed of. No costs.

**11.09.2023**

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

The Management of Tamil Nadu State Transport  
Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Represented by its General Manager,  
Trichy.



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**L.VICTORIA GOWRI, J.**

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