



W.P.(MD).No.19805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19805 of 2023

P.Durai

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periyamilaguparai,
Trichirapalli District.

... 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 re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave and sanction the balance amount of Gratuity and Earned Leave Salary at



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the rate of 107% Dearness Allowance along with 6% interest per annum to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 : Mr.N.Muthuvijayan
Special Government Pleader

For R2 & R3 : Mr.K.Ramaiah
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondents to re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave and sanction the balance amount of Gratuity and Earned Leave Salary at the rate of 107% Dearness Allowance along with 6% interest per annum to the petitioner within the time limit that may be fixed by this Court.

2. Heard the learned counsel on either side.

3. The writ petitioner is working in the respondent corporation. He reached the age of superannuation and retired from service. He alleges that while computing his terminal benefits, his dearness allowance was erroneously reckoned. According to him, the figures are as follows:-



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D.A. percentage ought to have been taken by the respondent corporation	D.A. percentage taken (at the time of retirement) by the respondent corporation
107%	100%

4. I consciously refrain from going into the question as to whether the aforesaid table is factually correct. It is however beyond dispute that the dearness allowance as mentioned in their respective computation was on the lower side. Therefore, the respondents are directed to rework the petitioner's terminal benefits by taking his dearness allowance at the appropriate rate. The differential amount shall be paid to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. This payment will carry interest at the rate of 6% per annum.

5. The writ petition is disposed of on these terms. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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- To
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L.VICTORIA GOWRI, J.

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