



W.P.No.2385 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.2385 of 2020

M.Subramanian

...

Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

2. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office,
Thiruvallurvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondent management,

- i. to pay the Earned Leave Surrender for the year 2009 and 2010;
- ii. to pay the difference in payment of Gratuity, Leave Salary and commutation by computing the last drawn salary based on the revised scale of pay and,
- iii. to pay the difference in payment of pension based on the revised dearness allowances periodically.

For Petitioner : Mr.G.Pugazhenth



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For Respondents : Mr.R.Babu
Standing Counsel

ORDER

The petitioner joined the service in the respondent Corporation on 23.11.1983 and retired from service as Senior Checking Inspector on 30.04.2014 on attaining the age of superannuation. The petitioner's scale of pay was revised as Rs.9300-34800 and Grade pay Rs.4,300/-in the post of Senior Checking Inspector. Accordingly the petitioner's basic pay is fixed at Rs.14,170/- and Rs.4,300/- Grade Pay. However, the petitioner was paid only a sum of Rs.13,290/- towards basic pay and Rs.2,600/- Grade Pay revision of scale of pay. Hence, the petitioner has claimed to disburse the difference in payment of Salary, Gratuity, Pension and Commutation along with interest.

2. Mr.G.Pugazhenth, learned counsel for the petitioner submitted that the Fifth Review Award was passed on 01.11.2012 and in view of that, the scale of pay of the Senior Checking Inspector was revised to Rs.9300-34800 and Rs.4300/- Grade pay. Since the increment was not effected, the petitioner got the salary and retirement benefits at a lesser rate than for



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what he is actually entitled to. Hence the petitioner filed the present Writ petition.

3. Mr.R.Babu, learned Standing Counsel appearing for the 1st Respondent submitted that in pursuant to the Wage Settlement arrived on 13.04.2015, the Government had issued G.O.(Ms).No.61, Transport (C1) Department, dated 30.04.2015 and in view of the same, the employees of the State Transport Corporation has been given with a Pay raise. The petitioner has been given with all benefits as per Wage Settlement dated 13.04.2015 and hence he is not entitled for enhancement of any pay.

4. On perusal of records, it is seen that the arrears claimed by the petitioner is as detailed under:

S. No.	Details	Revised	Paid	Balance Amount
1	Gratuity	639346	522537	116809
2	Salary			
3	Pension	1242066	998982	243084
4	Leave Salary	203620	165850	37770
5	Commutation	309191	265997	43194
6	E.L. Surrender Amount	19564		19564



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S. No.	Details	Revised	Paid	Balance Amount
	Total			460421

5. The respondent Corporation granted Terminal benefits to the petitioner as detailed below:

S. No.	Terminal benefit details	Amount Rs.	Cheque No. / ECS	Date of Payment
1	Gratuity	522537	ECS	23.05.2017
2	Gratuity Interest	70542	ECS	27.06.2018
3	Provident Fund	263823	105802	12.08.2014
4	Provident Fund Interest	3957	ECS	16.08.2018
5	Commutation	265997	(11 Instalments) ECS	16.10.2017
6	Commutation Interest	26848	ECS	16.08.2018
7	Leave Liability	165850	(3 Instalments) ECS	16.10.2017
8	Leave Liability Interest	31263	ECS	18.09.2018
9	Leave surrender	8229 <u>11335</u> <u>19564</u>	To be paid	
10	Social Welfare Fund-SWF	72140	464577	09.11.2015
11	Institute of Road Transport and Technology Refund	4360	To be Paid	

6. According to the above details, it is clear that leave surrender and



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Institute of Road Transport and Technology Refund alone have to be paid to the petitioner and there is no arrears of pay or any enhancement in other heads as claimed by the petitioner.

7. Though the petitioner has given representation to the respondents by claiming arrears, the respondents have not passed any orders so far. Unless any orders passed on the representation of the petitioner, it may not be possible for the petitioner to get any clarification in accordance with the Settlement arrived from time to time.

8. Hence, the respondents are directed to consider the representation of the petitioner, dated 09.12.2020 and pass appropriate orders on merits and in accordance with law and also settle the dues in respect of leave surrender and IRTT, within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is allowed. No costs.



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Index: Yes / No

Speaking order / Non-speaking order
vum

To:

- 1 The Principal Secretary to Government,
Department of School Education,
Fort St. George, Chennai- 600 009.
- 2 The Commissioner of Education,
D.P.I.Complex, College Road,
Chennai- 600 006.
- 3 The Director of School Education,
D.P.I. Complex, College Road,
Chennai- 600 006.
- 4 The Chief Educational Officer,
Perambalur.
- 5 The Principal Accountant General of Tamil Nadu,
No.361, Anna Salai,
Teynampet, Chennai- 600 018.
- 6 The Secretary and Correspondent,
Nehru Higher Secondary School,
Eraiur, Perambalur District.

R.N.MANJULA ,J.

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