



W.P.No.9055 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9055 of 2024

1. M.Govindasamy
2. K.Kagesan
3. C.Duraisamy
4. R.Asokan
5. S.Veerappan
6. S.K.Jeeva
7. K.Ramalingam
8. K.Matheswaran
9. M.K.Sundaram
10. M.S.Loganathan
11. P.Kathimathi
12. A.Thiyagrajan
13. T.Gunasekaran
14. R.Balasubramanian
15. M.Shanmugavadivu
16. G.Arunmozhi
17. R.Sekar
18. M.Ramesh Babu

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary and Chairman,
State Transport Undertakings,
Transport Department,
Secretariat, St.George Fort,
Chennai – 600 009.
2. Tamil Nadu State Transport Corporation (Salem),
Rep. by its Managing Director,
No.12, Ramakrishna Street,
Salem – 636 007.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to make payment of Difference in Earned Leave Salary amount and Difference in Gratuity amount on the basis of the 7th Pay Commission along with interest at 12% per annum from the date due till the actual payment for which the petitioner is right fully entitled.

For Petitioners : Mr.C.Vigneswaran

For Respondents : Mr.C.Jayaprakash [R1]

Mr.K.Raja [R2]

ORDER

This writ petition is filed for a direction to the respondents to make the payment of difference in earned leave salary amount and difference in gratuity amount on the basis of the 7th Pay Commission along with interest at the rate of 12% per annum from the date of due till the date of disbursement.

2. When the matter came up for hearing today, the learned counsel appearing on behalf of the second respondent would submit that already, the difference of amount in respect of each of the petitioners herein has



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been calculated and it is as follows:

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S NO	STAFF NO.	NAME	NATURE OF EXIT	DATE OF RETIREMENT	ACTUAL AMOUNT TO BE PAID (RS.)	AMOUNT ALREADY PAID (RS.) LEAVE SALARY	DIFF OF 7TH PAY LEAVE SALARY
1	AM0179	GOVINDASAMI M	Retired on	28-02-2016	760038	634935	125103
2	AM0181	ASOKAN R	Retired on	31-05-2016	759890	643027	116771
3	AM0202	VILSAPPAN S	Retired on	31-05-2016	657485	558424	109062
4	AM0213	KANGESAN K	Retired on	31-05-2016	721100	590571	130529
5	AM0272	OURASAMY C	Retired on	31-05-2016	639516	530236	109280
6	EA0103	RAJESH BABU M	Retired on	31-05-2015	399075	335621	59454
7	AM0167	ALVA S K	Retired on	30-06-2016	778370	661107	117263
8	AM0232	SHANMUGASUBRAMANIAM	Retired on	22-11-2016	577314	572050	105264
9	AM0169	MADHESWARAN K	Retired on	31-01-2017	799834	667446	132388

10	AM0204	SUNDARAM M K	Retired on	31-01-2017	831464	723703	108261
11	AM0180	LOGANATHAN M S	Retired on	31-03-2017	753855	634157	119699
12	AM0282	KANTHIMATHI P	Retired on	30-04-2017	757381	638681	118700
13	AM0166	GUNASEKARAN T	Retired on	31-05-2017	915369	776065	139304
14	AM0182	BALASUBRAMANIAN R	Retired on	31-05-2017	784412	665443	118969
15	AM0235	THIAGARAJAN A	Retired on	31-05-2017	1045407	886271	175136
16	AM0208	SEKAR R	Retired on	31-10-2017	713048	604821	108227

S NO	STAFF NO.	NAME	NATURE OF EXIT	DATE OF RETIREMENT	ACTUAL AMOUNT TO BE PAID (RS.)	AMOUNT ALREADY PAID (RS.) LEAVE SALARY	DIFF OF 7TH PAY LEAVE SALARY
1	AM0251	RAMALINGAM K	Retired on	30-11-2016	746373	621253	125120
2	AM0164	ARUNMOZHI G	Retired on	30-11-2017	1122326	936868	185458



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3. He would further submit that, if 12 weeks further time is granted, the same will be disbursed to them.

4. The learned counsel for the petitioners would submit that the petitioners are all retired in the year 2016 and therefore, the interest at the rate of 12% per annum can be granted by this Court.

5. Learned counsel appearing on behalf of the respondents would submit that without further delay since the respondents themselves have calculated and are proceeding to pay the amount, the interest need not be ordered.

6. I have considered the rival submissions made on either side.

7. It can be seen that, in similar cases, this Court has consistently ordering 6% interest from the date the amount became due till the date of disbursement.

8. In view thereof, this writ petition is allowed on the following terms:

1. As calculated by the respondents and incorporated in paragraph



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No.2 of this order, the petitioners shall be paid the difference of earned leave salary amount and difference in gratuity amount on the basis of the 7th pay commission along with further interest at the rate of 6% from the date on which the amount became due till the date of disbursement.

2. The amount shall be paid within a period of twelve (12) weeks from the date of receipt of a copy of this order.
3. No costs.

05.06.2024

Neutral Citation: No
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To

1. The Additional Chief Secretary and Chairman,
State Transport Undertakings,
Transport Department,
Secretariat, St.George Fort,
Chennai – 600 009.
2. Tamil Nadu State Transport Corporation (Salem),
Rep. by its Managing Director,
No.12, Ramakrishna Street,
Salem – 636 007.



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D.BHARATHA CHAKRAVARTHY, J.

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