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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.26054 of 2024

D.Rajappa

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, Villupuram – 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Rangapuram,
Vellore – 632 009.

3.The Administrator,
Tamil Nadu State Transport Corporation Employees' Pension Trust,
No.2, Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the difference in Gratuity amount by adding one year training period and as per 7th Pay Commission recommendation with 10% interest, difference in Leave Salary with 10% interest and interest for the belated payment of commutation amount to the Petitioner.



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For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.R.Venkatesaperumal,
Standing Counsel for R1 and R2

Mr.C.S.K.Sathish
Standing Counsel for R3

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to pay the difference in Gratuity amount by adding one year training period and as per 7th Pay Commission recommendation with 10% interest, difference in Leave Salary with 10% interest and interest for the belated payment of commutation amount to the Petitioner.

2.The case of the petitioner is that he joined in the 1st respondent Corporation as Trainee. On completion of one year training, the petitioner was brought into regular service in time scale of pay. After rendering nearly 30 years of continuous service in the cadre of Selection Grade Assistant Engineer, he retired from service on 30.06.2016. After retirement while computing the gratuity amount, one year training period from 11.12.1986 to 11.09.1987 was not included.



3.The grievance of the petitioner is that respondents have to pay the difference in gratuity amount by adding one year training period and as per 7th Pay Commission recommendation and difference in Leave Salary with 10% interest and interest for the belated payment of commutation amount. The petitioner in this regard had made a representation to the respondent on 15.06.2024. Since the same did not evoke any response, the present writ petition has been filed before this Court.

4.Heard Mr.S.T.Varadarajalu, learned counsel for petitioner and Mr.R.Venkatesaperumal, learned Standing Counsel for 1st and 2nd respondents and Mr.C.S.K.Sathish, learned Standing Counsel for 3rd respondent.

5.Taking into consideration the facts and circumstances of the case and the materials available on record, this writ petition is disposed of with a direction to the respondent Corporation to pay the eligible amount as payable to the petitioner along with interest at the rate of 6% per annum for the delay period in settling the said amount and other terminal benefits. This payment shall be made within a period of six weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch an interest at



the rate of 12% per annum from the date on which the amount became due and payable till the date of actual realisation.

6.The petitioner is directed to submit a fresh representation to the respondents along with a copy of this order. No costs.

10.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
No.3/137, Salamedu,
Villupuram – 605 602.
- 2.The General Manager,
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3. The Administrator,
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N. ANAND VENKATESH, J.

SSR

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