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W.P.No.31971 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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1. S. Seshan
2. M.Muhammed Sheref
3. S. Pachaiyappan
4. R.Shanmugam
5. K. Samundeswari
6. S. Loganathan
7. V. Jayapalan
8. K. Arumugam
9. P. Subramanian
- 10.K.Raja
- 11.S.Salam
- 12.R.Narayanan
- 13.D. Thirunavukkarasu

...Petitioners

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, Kandamanadi P.O
Villupuram – 605 401.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.
Thiruvannamalai Region, Bye Pass road,
Vangikkal, Thiruvannamalai – 606 604

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to pay the difference in Leave Salary as per 13th wage settlement and difference in gratuity based on 3% DA increase with 10% interest to the petitioner and pass orders.

For Petitioner : Mr. S.T. Varadarajalu

For Respondents : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition seeking a Writ of Mandamus directing the Respondents to pay the difference in Leave Salary as per 13th wage settlement and difference in gratuity based on 3% DA increase with 10% interest.

3. The case of the petitioners are that they are retired employees from the Tamil Nadu State Transport Corporation. The grievance of the



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petitioners are that they have received the terminal benefits, but the Leave Salary was not settled as per the revised pay. Hence, the petitioners are entitled to get the difference of amount in leave salary in view of the 13th wage settlement except 13th petitioner. At the time of the retirement of 13th petitioner the leave salary was settled in 9% DA instead of DA 12%. In view of this 13th petitioner is entitled to get the 3 % DA difference in leave salary to the tune of Rs.1,640/- with 10% interest. Thus, the petitioners are entitled to interest for the belated payment of difference in leave salary and gratuity. Therefore, the petitioners gave a representation to the first and second respondents on 21.08.2024 and to the second respondent on 18.09.2024 requesting to pay the difference in E.L. Surrender amount with 10% interest. However, no action has been taken by the respondents till date. Hence this petition.

4.The learned counsel for the petitioners submitted that it would be suffice if this Court issues a direction to the respondents to consider the petitioners representation and pass orders.



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5. The learned Standing Counsel appearing for the respondents submits that the representation of the petitioners will be considered and will pay the eligible amount with 6% interest per annum as per the earlier orders of this Court.

6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondents to consider the representation of the petitioners and pass orders on the claim made with 6% interest per annum, within a period of twelve weeks from the date of receipt of a copy of this Order. This writ petition is disposed of in the above terms. No costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn

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V.BHAVANI SUBBAROYAN,J.

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