



W.P.No.34760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

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P.Vedachalam

... Petitioner

-Vs-

1.The Managing Director,
Tamil Nadu State Transport
Corporation(Villupuram) Ltd.,
No.3,/137, Salamedu,
Vizhupuram-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 Fund Trust,
No.2, Pallavan Salai, Chennai-600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the respondents to pay difference in Gratuity and Leave salary based on 14th wage settlement, difference in Gratuity and Leave salary based on 3% D.A. increase, Difference in Gratuity by adding one year training



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period, 15 days E.L.surrenderd in May 2019, 11 days salary deducted in terminal benefits with 10% interest and interest for the belated payment of Gratuity, Leave Salary and Commutation amount to the petitioner.

For Petitioner : Mr.S.T.Varadarajalu

For Respondents : Mr.Venkatesha Perumal,

Standing Counsel

ORDER

This writ petition is filed to direct the respondents to pay difference in Gratuity and Leave salary based on 14th wage settlement, difference in Gratuity and Leave salary based on 3% D.A. increase, Difference in Gratuity by adding one year training period, 15 days E.L.surrenderd in May 2019, 11 days salary deducted in terminal benefits with 10% interest and interest for the belated payment of Gratuity, Leave Salary and Commutation amount to the petitioner.

2. The case of the petitioner is that the petitioner joined in the service of the respondent Corporation as Helper on 26.04.1984. At the time of retirement, he was holding the post of Senior Tradesman. He voluntarily retired from service on 19.03.2022. He was settled commutation amount on 27.03.2023. Therefore, he is entitled interest and from 01.01.2022 D.A., was



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increased from 31% to 34%. He had to pay difference in Gratuity and leave salary based on 3% D.A., increase. Hence the writ petition.

3. The learned counsel for the petitioner submitted that the petitioner joined in the service of the respondent Corporation as Helper on 26.04.1984. At the time of retirement, he was holding the post of Senior Tradesman. He retired from service voluntarily on 19.03.2022. After his retirement, the respondents did not settle terminal benefits namely P.F., Gratuity, Leave Salary and commutation of pension immediately. He was settled only on 13.03.2023 and they settled commutation amount only on 27.03.2023. Therefore, he is entitled 10% interest for the belated payment of terminal benefits and from 01.01.2022 D.A., was increased from 31% to 34%. The petitioner sent representation on 26.04.2024. Hence, the petitioner have to pay difference in Gratuity and leave salary based on 3% D.A., increase. Hence the petitioner has preferred the writ petition before this Court.

4. Mr.Venkatesha Perumal, the learned counsel takes notice for respondents.



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5. Heard the learned counsel on both sides and perused the materials available on record.

6. The petitioner has given representation dated 26.04.2024, to the 3rd respondent and the same is not considered till date. However, the petitioner is directed to give fresh representation to the 1st respondent with regard to credit leave salary, commutation pension and other benefits. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following direction:

7. The respondents 1 and 3 are directed to consider the representation of the petitioner dated 26.04.2024 for the eligible amount which the petitioner is entitled, and on merits, in accordance with law, and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order. No costs.

8. In the result, the **writ petition stands disposed of with the above observations and directions.** No costs.



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Index : Yes/No

Speaking/Non Speaking order

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