



WEB COPY



W.P.No.365

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2024

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.36585 of 2024

N. Kala

... Petitioner

Vs.

M/s. Metropolitan Transport Corporation
rep by its Managing Director
No.1,Pallavan Salai
Chennai-600 002

... Respondent in all cases.

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent herein to settle the difference in Medical Leave Salary with 6% interest in line G.O(Ms). No.220, Transport (C1) Department dated 06.08.1999 and in the light of order passed by this Hon'ble court in W.P.(MD) No. 14520 of 2020 dated 21.03.2023 and in W.P.Nos.29602, 29604, 29606 and 29609 of 2023 dated 12.10.2023 and W.P.No.25068 of 2024 dated 02.09.2024 and settle the difference in Gratuity, Commutation and Leave Salary and revision of pension due to enhanced Dearness Allowance from 90% to 100% with 6% interest, by considering the representation of the petitioner dated 12.11.2024 and pass orders.

For Petitioners : Mr.D.Soundar Raj



W.P.No.365

For Respondent : Mr.R. Balaji, Standing Counsel

WEB COPY

ORDER

Seeking for an issuance of a Writ of Mandamus directing the respondent herein to settle the difference in Medical Leave Salary with 6% interest in line G.O(Ms). No.220, Transport (C1) Department dated 06.08.1999 and in the light of order passed by this Hon'ble court in W.P.(MD) No. 14520 of 2020 dated 21.03.2023 and in W.P.Nos.29602, 29604, 29606 and 29609 of 2023 dated 12.10.2023 and W.P.No.25068 of 2024 dated 02.09.2024 and settle the difference in Gratuity, Commutation and Leave Salary and revision of pension due to enhanced Dearness Allowance from 90% to 100% with 6% interest, by considering the representation of the petitioner dated 12.11.2024 and pass orders.

2. With consent on either side, the main Writ Petition itself are taken up for final disposal at the admission stage.

3. The brief facts of the case is that the petitioner is a retired employee from the Respondent/Corporation. The grievance of the petitioner is that at the time of retirement



the petitioner surrendered their medical leave by taking the last drawn wages. As per the G.O.(Ms).No.220 Transport (C1) Department dated 06.08.1999 the leave available to the credit of the employee shall be kept separately and it can be encashed at the time of retirement by taking into account the salary drawn at the time of retirement. The petitioner's case is that the same was not implemented by the respondent. Further more the respondent have taken D.A as 90% instead of 100% while calculating the terminal benefits. The petitioner relied on a order passed in W.P.(Md.)No.14520 of 2020 dated 21.03.2023, the Madurai Bench of the Court has directed the respondent to take last pay drawn at the retirement as basis for computing the petitioner's Medical Leave Salary.

4. Mr.R. Balaji, learned counsel takes notice for the respondent.

5. Considering the nature of prayer sought for in this Writ petition to calculate the salary for the petitioner's medical leave in view of the order passed in W.P.(MD).No.14520 of 2020 dated 21.03.2023 and in view of the G.O.(Ms).No.220 Transport (C1) Department dated 06.08.1999, the respondent is directed to consider the representation of the petitioner dated 12.11.2024 and declare that the petitioner's last drawn salary at the time of the petitioner reaching the age of superannuation should be the basis for computing the petitioner's medical leave salary. The difference in amount if



W.P.No.365

any shall be paid to the Writ Petitioner along with interest at the rate of 4% per annum.

WEB COPY

With the above directions, these Writ Petitions are disposed of. No costs.

04.12. 2024

Index:Yes/No;
Internet:Yes/No
Speaking / Nonspeaking order
smn

To
The Managing Director
Metropolitan Transport Corporation
No.1,Pallavan Salai
Chennai-600 002

V.BHAVANI SUBBAROYAN J.



WEB COPY



W.P.No.365

smn

W.P.No.36585 of 2024

04.12.2024