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W.P.No.38592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.38592 of 2024

M. Kumarasamy

...Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation(Kovai) Ltd.,
Erode Region,
Rep by its Managing Director,
Erode

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 31.03.2017 and also terminal benefits namely gratuity and encashment of leave, after revising the same based on the scale of pay payable to the petitioner on the month of petitioner's retirement as admitted by the Respondent in the RTI information dated 19.09.2024 together with 18% interest per annum within a time frame as may be fixed by this Court and pass orders.

For Petitioner

: Mr.V. Ajoy Khose

For Respondents

: Mr.M. Murali Vinodh
Standing Counsel



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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 to issue a Writ of Mandamus directing the respondent to pay the petitioner difference/arrears of wages for the period from 01.09.2016 to 31.03.2017 and also terminal benefits namely gratuity and encashment of leave, after revising the same based on the scale of pay payable to the petitioner on the month of petitioner's retirement as admitted by the Respondent in the RTI information dated 19.09.2024 together with 18% interest per annum within a time frame as may be fixed by this Court and pass orders.

3. The case of the petitioner joined the respondent corporation on 28.06.1987 and retired on 31.03.2017. The further case of the petitioner is that while arriving the terminal benefits the respondent have not implemented the Wages Act properly, due to which there was a monetary loss to the petitioner. Therefore, the petitioner made an application under the Right to Information Act and the respondent also provided the details



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of amount to be paid to the petitioner through information dated 19.09.2024. However, the amount was not paid, due to which the petitioner sent a representation on 17.10.2024 to the respondent and the same was not considered. Hence, this petition.

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

5. The learned standing counsel appearing for the respondents submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6. Taking into consideration the facts and circumstances of the case and the RTI information dated 19.09.2024 that was furnished to the petitioner, there shall be a direction to the Respondent Corporation to pay the eligible amount as payable to the petitioner along with interest at the



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rate of 6% per annum for the delay period in settling the said amount.

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.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

17.12.2024

Index: Yes/No

Speaking order/Non-speaking order
smn

To

The Managing Director,
Tamil Nadu State Transport Corporation(Kovai) Ltd.,
Erode Region, Managing Director,
Erode.

V.BHAVANI SUBBAROYAN,J.



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