



W.P.(MD).No.252 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.252 of 2024

A.Joseph Fernandez

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave by taking Dearness Allowance as 9% and sanction the balance amount of Gratuity and Earned Leave salary along with 6 % interest per annum to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr. N.Sudhagar Nagaraj
For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondents to re-calculate the petitioner's retirement benefits such as Gratuity and Earned Leave by taking Dearness Allowance as 9% and sanction the balance amount of Gratuity and Earned Leave salary along with 6 % interest per annum to the petitioner within the time limit as fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The writ petitioner is working in the respondent Corporation. He reached the age of superannuation and retired from service. He alleges that while computing his terminal benefits, his dearness allowance was erroneously reckoned. According to him, the figures are as follows:-

<i>D.A. percentage ought to have been taken by the respondent Corporation</i>	<i>D.A. percentage taken (at the time of retirement) by the respondent Corporation</i>
9%	7%



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4. I consciously refrain from going into the question as to whether the aforesaid table is factually correct. It is however beyond dispute that the dearness allowance as mentioned in their respective computation was on the lower side. Therefore, the respondents are directed to rework the petitioner's terminal benefits by taking his dearness allowance at the appropriate rate. The differential amount shall be paid to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. This payment will carry interest at the rate of 6% per annum.

5. This Writ Petition stands disposed of on these terms. There shall be no order as to costs.

08.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.252 of 2024**

08.01.2024