



W.P.(MD).No.3028 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3028 of 2024

K.Panneerselvam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(KMB) Limited,
New Railway Station Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation
(KMB) Limited,
Regional Office,
Tiruchirapalli.

... 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 disburse the petitioners difference amount of gratuity, Earned Leave and surrender leave salary along with 6% interest on the basis of VIIth pay commission.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadees Balan
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondents to disburse the petitioners difference amount of gratuity, Earned Leave and surrender leave salary along with 6% interest on the basis of VIIth pay commission.

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

3. The petitioner was appointed in the respondent Corporation as a Junior Assistant in the year 1985. He retired from service as a Senior Superintendent on 30.06.2017 on attaining the age of superannuation, after completing 32 years of service. When he was in service, VII Pay Commission came into effect on 01.01.2016. However, the same was implemented on 01.04.2018 after the retirement of the petitioner. The petitioner's terminal benefits gratuity, earned leave and surrender leave salary have to be revised on the basis of VII Pay Commission. If that is done, the petitioner will get difference amount than which he is receiving as on date. The respondents have already revised the



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pension and recovered the amount from pension for commutation with retrospective effect from the date of retirement and the recovery was effected on 05.10.2019 and the revised commutation was issued on 30.01.2021.

4. The petitioner made several representations to the respondents in person. However, that is of no avail. Finally, the petitioner has sent another representation on 16.10.2023, which was also of no avail. Hence, this writ petition came to filed.

5. Considering the facts and circumstances of this case, this Court is inclined to direct the respondents to disburse the petitioner's difference amount of gratuity, Earned Leave and Surrender Leave salary along with 6% interest on the basis of VII Pay Commission.

6. Accordingly, this writ petition stands disposed of. No costs.

12.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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