



W.P.(MD).No.8044 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8044 of 2024

S.Murugesan

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai – 625 016.

2. The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Collectorate Post, Bye Pass Road,
Dindigul – 624 004.

... 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 petitioner's difference amount of gratuity, Earned Leave and surrender leave salary along with 6 % interest on the basis of VII Pay Commission.

For Petitioner : Mr. K.Gokul

For Respondent : Mr.Gladson Michael Rajadurai
Standing Counsel



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ORDER

The present writ petition has been filed seeking a direction to 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.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the 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 on 19.11.1987. He retired from service as a Superintendent on 31.05.2016 on attaining the age of superannuation, after completing 29 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 pension and commutation were disbursed on the basis of VII Pay Commission and the same is still continuing. However, the gratuity, Earned Leave and surrender leave salary has to be



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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 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 01.03.2024, 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 in amount of gratuity, Earned Leave and surrender leave salary, on the basis of VII Pay Commission along with 6% interest.



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6. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

28.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Managing Director,
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Bye Pass Road, Madurai – 625 016.

2. The General Manager,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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