



W.P.(MD).No.13064 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.13064 of 2024

P.Manivannan

... Petitioner

Vs

1. The Administrator,
The Tamil Nadu Transport Corporation
Retired Employees Pension Trust,
Thiruvalluvar Illam, No. 2, Pallavan Salai,
Chennai 2.

2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
No. 27, New Railway Station Road,
Kumbakonam, Thanjavur District 612 001.

... 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 pay the difference amount of 45 % dearness allowance at the existing rates of 50 % fixed over the present employee with regard to dearness allowance along with 18 % interest from the date of the petitioner's retirement ie on 31.03.2020 to till the date of payment.

For Petitioner : Mr. P.Manoharan

For Respondents : Mr.S.C.Herold Singh (R1)
Mr.K.Ramesh (R2)
Standing Counsels



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ORDER

Heard Mr. P.Manoharan, learned counsel for the petitioner and Mr.S.C.Herold Singh, learned Standing Counsel for the 1st respondent and Mr.K.Ramesh, learned Standing Counsel for the 2nd respondent.

2.The petitioner has filed this Writ Petition seeking for a direction to the respondents to pay the difference amount of 45 % dearness allowance at the existing rates of 50 % along with 18 % interest from the date of the petitioner's retirement i.e., on 31.03.2020 to till the date of payment.

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

4. The writ petitioner was working as a Conductor in the respondent Corporation. He has retired from service after reaching the age of superannuation. He has alleged that while computing his terminal benefits, the respondents have fixed 5% for dearness allowance. At the relevant point of time, the existed dearness allowance was 50%. It is claimed that the petitioner is entitled to the percentage of dearness allowance as fixed by the State



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Government for the employees in-service and hence, the petitioner is entitled for the difference of 45% dearness allowance along with interest.

5.It appears that the terminal benefits were computed by taking the dearness allowance at 5% instead of 50%. There is no dispute that an error in computation had taken place. Therefore, the respondents are directed to rework the petitioner's terminal benefits by taking his dearness allowance at 50%.

6. In view of the above, 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 along with 6% interest per annum within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is **disposed of**. No costs.

20.06.2024

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



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To

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R.N.MANJULA, J.

PNM

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