



W.P.(MD)No.18873 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.18873 of 2025

D.Balasubramanian

: Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam 612 001.

2. The General Manager,
Tamilnadu State Transport Corporation
(KMB) Ltd.,
Pudukottai Region,
Thirumayam Road,
Pillai Thanneer Panthal,
Pudukkottai.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to implement 4 percent of dearness allowance and on the base of the same to settled the difference amount of gratuity, Pension and earn leave salary along with 6 percent interest on the base of the petitioners representation dated 20.02.2025.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah

Standing Counsel



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ORDER

This Writ Petition has been filed seeking a direction to the respondents to implement the 4% Dearness Allowance and on the basis of the same, to settle the differential amounts payable towards Gratuity, Pension and Earned Leave Salary, along with interest at the rate of 6%, based on the petitioner's representation dated 20.02.2025, within a time frame to be fixed by this Court.

2. The petitioner was initially appointed as a 'Driver' in the respondent Corporation on 01.01.1997 and retired from service on 30.04.2023. The learned counsel for the petitioner submits that 4% Dearness Allowance (DA) was due to be implemented with effect from January 2023, but in fact, it was implemented only from May 2023. As a result, the petitioner, who retired on 30.04.2023, was excluded from the benefit of the said DA increase. Had the 4% DA been implemented from the correct date, *i.e.*, January 2023, the petitioner would have been entitled to a corresponding increase in the computation of Gratuity, Pension and Earned Leave Salary, which are all wage-linked retirement benefits. Accordingly, the petitioner claims entitlement to the differential



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amounts along with interest at 6% p.a. for the delay. Despite several personal representations made by the petitioner to the respondents, no effective action was taken. Thereafter, the petitioner submitted a written representation dated 20.02.2025, requesting settlement of the dues. However, no action has been taken by the respondents on the said representation till date. Left with no other effective remedy, the petitioner has been constrained to approach this Court by way of the present Writ Petition, seeking appropriate directions for the redressal of his legitimate and lawful grievance.

3. Heard both sides.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation dated 20.02.2025, on its own merits and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.

6. With the above observations and directions, the Writ Petition stand disposed of. There shall be no order as to costs.

14.07.2025

Index : Yes / No

Internet : Yes / No

PKN

To

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2. The General Manager,
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VIVEK KUMAR SINGH, J.

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