



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2016

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CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.18124 of 2014

K.Thambithurai

... Petitioner

Vs.

1. The Chairman of State Transport Undertaking
and the Principal Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Regional Office,
Bye Pass Road, Madurai - 625 010.
3. The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Corporate Office,
Bye Pass Road, Madurai - 625 010.
4. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Corporate Office,
Bye Pass Road, Madurai - 625 010.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned letter dated 18.06.2014 bearing Reference Madurai/Law / W.P. No.8000/2014 made by the 2nd respondent and quash the same and direct the respondents to pay the Gratuity due of Rs. 5 57 114/- Unavailed Leave Salary due of Rs. 3 83 300/- and Earned Leave surrender amount due of Rs.30, 300/- to the petitioner with interest at the rate of 18% within a stipulated time prescribed by this Court.



For Petitioner : Mr.R.Saravanan
For Respondents : Mr.A.P.Muthupandian

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ORDER

This Writ petition has been filed to quash the impugned order passed by the second respondent dated 18.06.2014 and consequently direct the respondents to pay the retirement benefits.

2.The petitioner was employed as Senior Assistant in the respondent corporation and he retired from service on 30.11.2012 on reaching the age of superannuation. As the respondents have not disbursed the retirement benefits, the petitioner has sent a representation 14.04.2014, for which, the second respondent has sent the impugned letter dated 18.06.2014. Challenging the same, the present Writ petition has been filed.

3.The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A(MD)Nos.383 to 457 of 2015, issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of installments.

4.In these circumstances, the writ petition is allowed and the impugned order dated 18.06.2014 is set aside and the following directions are issued to the respondents:-

(i)The transport corporation shall settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments.

(ii)The first installment shall commence by making payment on or before 1st week of December, 2016 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month.

(iii)The said terminal amount shall carry interest @ 6% per annum as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period.

5.The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the



petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

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Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
State Transport Undertaking
and the Principal Secretary to Government,
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4. The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd., Corporate Office,
Bye Pass Road, Madurai - 625 010.

+ 1 CC TO Mr.R.SARAVANAN, ADVOCATE IN SR No. 61118

MJ

TE/SS-3/SAR-I : 29/11/2016 : 3P/6C

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