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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.13036 of 2016

P.Samiappan

...Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Division,
Trichy-620 001.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents by considering his representation dated 07.04.2016 to release his "Terminal Benefits" as the petitioner got superannuated on 30.06.2015, with interest (1) Gratuity (2) Earn Leave surrender amount (3) D.A. Arrears, (4) One month pending pension amount (July 2015) and other pay settlement benefit amount within a stipulated time fixed by this Court and pass further orders as this Court may deem fit and proper.

For Petitioner : Mr.C.Masilamani
For respondents : Mr.D.Sivaraman

ORDER

This writ petition has been filed seeking a direction to the respondents by considering his representation dated 07.04.2016 to release his "Terminal Benefits" as the petitioner got superannuated on 30.06.2015, with interest (1) Gratuity (2) Earn Leave surrender amount (3) D.A. Arrears, (4) One month pending pension amount (July 2015) and other pay settlement benefit amount within a stipulated time fixed by this Court and pass further orders as this Court may deem fit and proper.

2.When the matter is taken up for hearing, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the

request of the petitioner in the light of the judgment passed by the Honourable Division Bench.

3. For ready reference, the judgment passed by the Hon'ble Division Bench in W.A. (MD). Nos. 383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No. 7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D. TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The installments to be paid from October 2016 and each installment should be paid on or before 7th of each month"

4. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioner in 12 equal monthly installments commencing from 10th October 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. 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 to.

6. The learned counsel for the respondents/Transport Corporation says that against certain employees, there are recoverables from them. So, the above payment may be made subject to recoverables from the employees. The petitioner is also agreeable for the same.



7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
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27, Railway Station New Road,
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2. The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
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Trichy-620 001.

+1cc to M/s.C.Masilamani, Advocate in SR.39334

+1cc to M/s.P.Sivaraman, Advocate in SR.39264

Writ Petition (MD) No.13036 of 2016
25.07.2016

gsr

PBK/AAL-MPA 02/08/2016 ::3P-5C::