



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.14217 of 2016

S.Ganesan

... Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
rep. By its, Managing Director,
Trichy.

... Respondent

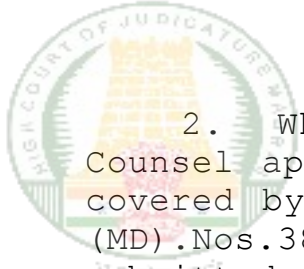
Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus To issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,74,902 towards Gratuity, Rs.5,85,726/- towards leave salary and Rs.1,44,226/- towards encashment of Leave on Personal Affairs together with 18% interest per annum, along with interest amount towards the delay period from 31.05.2016 to 21.02.2017 in paying EPF Employees' Contribution amount Rs.3,25,092 at the rate as per EPF Scheme within a time frame as may be fixed by this Court.

For petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Sivaraman
Standing Counsel

ORDER

Mr.S.Ganesan, after serving in the Transport Corporation as Junior Assistant from 10.04.1987, retired from service on reaching the age of superannuation with effect from 31.05.2016. Finding delay in disbursement of the retirement benefits, he has come to this Court, seeking issuance of a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,74,902 towards Gratuity, Rs.5,85,726/- towards leave salary and Rs.1,44,226/- towards encashment of Leave on Personal Affairs together with 18% interest per annum, along with interest amount towards the delay period from 31.05.2016 to 21.02.2017 in paying EPF Employees' Contribution amount Rs.3,25,092 at the rate as per EPF Scheme within a time frame to be fixed by this Court.



2. When the matter is taken up for hearing, learned Standing Counsel appearing for the respondent 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 respondent would consider the request of the petitioner in the light of the judgment passed by the Honourable Division Bench, however, he submitted that employees working in the Transport Corporation are not entitled to get the benefit of leave on private affairs, therefore, a direction may be given to disburse the retirement benefits only with regard to the claim to which the petitioner is entitled.

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

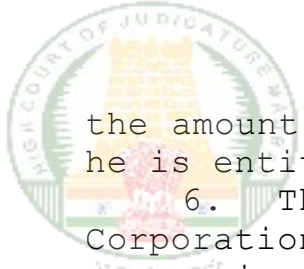
"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

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 July 2015 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 respondent is directed to pay the retirement benefits due and payable to the petitioner in 12 equal monthly installments commencing from 1st 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 would 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 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 respondent/Transport Corporation says that against certain employees, there are recoveries pending. So, the above payment may be made subject to recoveries, if any, 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(T&P)

/True copy/

Sub Assistant Registrar

+1cc to Mr.D.Sivaraman, Advocate, SR.No.43134/16

skn

sm:KBM:16.08.2016:3P/2C

W.P(MD).No.14217 of 2016

08.08.2016