



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19117 of 2016

S.Perambalam

... Petitioner

-Vs-

1) The State of Tamilnadu,
Rep. by its Secretary to Government,
Transport Department and Chairman of Board of
Directors of State Transport Undertakings,
Fort St. George,
Chennai - 9.

2. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam,
Thanjavur District.

3) The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the files of the 3rd respondent pertaining to his order in Parvai: Tha.A.Po.Ka/Trichy/Sampala Pirivu/Sa.Pi.5/1728/2016 dated 04.08.2016 and to quash the same and consequently direct the 3rd respondent to settle the petitioner as per the 1998 year Wage Settlement Effect under Section 12(3) of ID Act, 1947 the petitioner's earned leave salary for 75 days for the years 2010-2015 together with a reasonable rate of interest payable from the date of retirement to till date of actual payment.

For Petitioner : Mr.N.Sudhagar Nagaraj

For 1st Respondent : Mr.M.Alagadevan
Special Government Pleader

For Respondents 2 and 3 : Mr.D.Sivaraman
Standing Counsel

**O R D E R**

Petitioner's request for surrender of Earned Leave Salary for the period from 2011 to 2015 has been declined on the ground that there was financial crisis in the Transport Corporation. This order is under challenge in this revision.

2. Time and again it has been held that the financial crisis in the respondent corporation cannot be a ground to decline the statutory benefits available to the employees of the corporation.

3. In these circumstances, this writ petition is disposed of with the following directions:-

i) The impugned order dated 04.08.2016 is set aside.

ii) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

iii) The first installment shall commence by making payment on or before the First Week of December 2016 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iv) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015. In case of delay in making installments, the interest payable could be 18% for the delayed period;

v) 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.

Sd/-

Assistant Registrar(Writs)

/True Copy/



To

1) The Secretary to Government,
State of Tamilnadu,
Transport Department and Chairman of Board of
Directors of State Transport Undertakings,
Fort St. George, Chennai - 9.

2) The Managing Director,
Tamilnadu State Transport Corporation,
Kumbakonam, Tanjore Dist.

3) The General Manager,
Tamilnadu State Transport Corporation,
(Kumbakonam) Ltd.,
Trichy Region,
Trichy.

+1 cc to Mr.N.Sudhagar Nagaraj, Advocate in SR No.59677

+1 cc to Mr.D.Sivaraman, Advocate in SR No.59345

W.P (MD) No.19117 of 2016
05.10.2016

SJ

ANR/PV/26.10.2016/3P/6C