



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.19753 of 2016

T.Dhanapal

... Petitioner

Vs.

1. The State of Tamil Nadu,
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 Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
rep.by its Managing Director,
Kumbakonam.
3. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region, Trichy.
4. The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 2nd respondent to settle as per the 1998 year Wage Settlement Effect under section 12(3) of ID Act 1947. The earned leave salary of the petitioner for 220 days for Rs.1 87 003/- together with interest at the rate of 18% per annum payable from the date of retirement to till date of actual payment.

For Petitioner	: Mr.M.Kumar
For R1	: Mr.T.S.Mohamed Mohideen AGP
For R - 2 to 3	: Mr.D.Sivaraman
For R - 4	: Mr.A.P.Muthupandian

**ORDER**

The petitioner is the retired employee of the respondents. He retired from service as Special Grade Security Guard on 31.12.2012 on reaching the age of superannuation. He has been fighting nearly for 4 years to get the encashment of earn leave.

2.The third respondent has given the memo of calculation dated 15.01.2013, under which, the amount payable towards encashment of earned leave for 220 days is Rs.1,83,443/-. Adding the remaining amount payable under various heads, total amount payable is shown as Rs.1,87,803/-.

3.The learned counsel for the petitioner would submit that the financial crisis can not be the reason to dislodge the claim of the petitioner.

4.The learned Standing Counsel appearing for the respondents would submit that at least considering the financial crisis suffered by the respondents, payment by instalments may be ordered as it has been ordered by this Court in several cases.

5.Considering the representation made by the learned counsel for the respondents, the writ petition is disposed of with the following directions:-

(i)Rs.1,87,803/- shall be disbursed to the petitioner in 12 equal monthly installments, commencing from 01.12.2016.

(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 in WA(MD)Nos.383 to 457 of 2015. In case of delay in making installments, the interest payable could be 18% for the delayed period.

6.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 (CS-I)



To

1. The Secretary to Government,
State of Tamil Nadu,
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) Ltd.,
Kumbakonam.

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

4. The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 60916
+ 1 CC TO Mr.M.KUMAR, ADVOCATE IN SR No. 61008
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 61127.

MJ

TE/GSV-PM : 22/11/2016 : 3P/8C

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