



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM:

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P(MD) No.23747 of 2016

S.Periyasamy

... Petitioner

Vs.

1. The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi
2. The Administrator
Tamilnadu State Transport Employees
Pension Fund Trust
Thiruvalluvar Illam
Annasalai, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.69 039/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of Gratuity amount Rs.4 51 569/- for the period from 31.01.13 to 21.10.13 as per Sec.7 (3 A) of the payment of Gratuity Act and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension Commutation amount Rs.2 45 806/- for the period from 01.02.2013 to 31.10.2013 at the rate of 18% p.a. within a time frame as may be fixed by this Court.

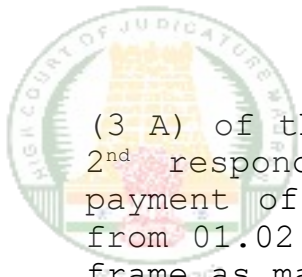
For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

Standing Counsel for TNSTC

ORDER

The prayer in the writ petition is for a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.69,039/- towards Leave Salary together with 18% interest per annum along with interest amount towards the delayed payment of Gratuity amount Rs.4,51,569/- for the period from 31.01.13 to 21.10.13 as per Sec.7



(3 A) of the payment of Gratuity Act and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension Commutation amount Rs.2,45,806/- for the period from 01.02.2013 to 31.10.2013 at the rate of 18% p.a. within a time frame as may be fixed by this Court.

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2. The learned counsel appearing for the petitioner would contend that the prayer sought for in the writ petition can be considered by this Court as the issue has already been raised and decided by this Court in a batch of writ petitions and according to him, this writ petition is covered by the said decisions. The learned counsel appearing for the petitioner would rely upon the decision of this Court made in *W.P.(MD).No.20945 of 2016* dated 01.11.2016 in the matter of *J.Vincent Raj vs. the Tamil Nadu State Transport Corporation (Tirunelveli) Limited*.

3. The learned Standing counsel appearing for the respondents would contend that the issue raised in the writ petition is covered by the said decision of this Court and in number of cases orders were issued, directing the respondents to settle the terminal benefits of the employees.

4. This Court has considered the submissions made by the respective learned counsel for the parties and perused the order dated 01.11.2016 made in *W.P.(MD).No.20945 of 2016*, wherein this Court has passed the following order:

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

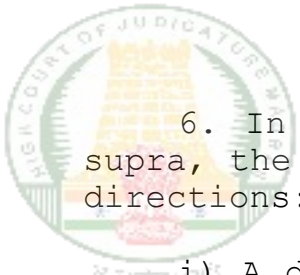
i) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

ii) The first installment shall commence by making payment on or before the First week of January, 2017 and the amount in each of the remaining instalments 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;

(iv) 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. No costs."

5. The learned Standing counsel appearing for the respondents would contend that the first installment as per clause (ii) of the aforesaid order shall commence in this case, only in the month of February 2017.



6. In view of the said submissions as well as the order cited supra, the same order is passed in this case also with the following directions:

i) 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;

ii) The first installment shall commence by making payment on or before the First week of February, 2017 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;

(iv) 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.

7. With these directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager,
Management of the Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

2. The Administrator
Tamilnadu State Transport Employees Pension Fund Trust
Thiruvalluvar Illam
Annasalai, Chennai.

+ 1 CC TO Mr.S.ARUNACHALAM, ADVOCATE IN SR No. 80203

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 79771

RR

TE/PV : 28/12/2016 : 3P/5C