



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3350 of 2016

P.Jothimani

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation(Madurai) Ltd.,
Dindigul Region,
Rep. By its General Manager,
Dindigul.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to pay the petitioner Rs.83,456/- towards leave salary payable for the services of the petitioner's husband/deceased employee S.N.Selvaraj together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.A.P.Muthupandian

O R D E R

The husband of the petitioner was employed as Conductor in the respondent transport corporation and he died on 15.02.2011 due to the injuries suffered by him in the accident occurred during the course of and arising out of his employment.

2. The Petitioner has filed this writ petition seeking for a direction to the respondents to pay the terminal benefits of the petitioner's husband.

3.The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A(MD)Nos.383 to 457 of 2015, issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of installments.

4.In these circumstances, the 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's husband that are yet to be settled, in twelve monthly installments.



(ii) The first installment shall commence by making payment on or before 10.03.2016 and the amount in each of the remaining installments shall be paid on or before 10th day 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.

5. The aforesaid direction to settle the terminal benefits would not preclude the petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, she is entitled to receive. Likewise, if the petitioner has any grievance that she is entitled to interest for the amount already settled, she can agitate the same as per law, if she is entitled.

6. The learned counsel for the respondent 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. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
Management of Tamilnadu State Transport Corporation(Madurai) Ltd.,
Dindigul Region, Dindigul.

+1cc to Mr.S.Arunachalam, Advocate SR.No.9548

akm/23.02.2016/2p-3c/NGM/SS

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