



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

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Writ Petition (MD) No.3441 of 2016

M.Gnanasekar

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam.

... Respondent

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay Gratuity and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

For Petitioner : Mr.C.Thangamani

For Respondents : Mr.D.Sivaraman

Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

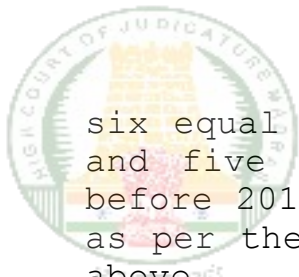
2.The petitioner was employed as Conductor in the respondent transport corporation and further he was promoted as Conductor Grade IV and he retired from service on 31.07.2013 on reaching the age of superannuation.

3.He has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

4.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.

5.In view of the aforesaid Division Bench judgment, the transport corporations ought to have settled the terminal benefits of its employees on its own, without driving them to file individual writ petitions. But the transport corporations have not done so and a large number of writ petitions are filed every day.

6.In these circumstances, this Court has evolved a formulae in its order dated 12.06.2015 directing to pay the terminal benefits in twelve equal monthly installments to the persons who retired in 2015; nine equal monthly installments to the persons who retired in 2014;



six equal monthly installments to the persons who retired in 2013 and five equal monthly installments to the persons who retired before 2013. This Court has also issued direction to pay interest as per the direction of the First Bench of this Court referred to above.

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

"(i) Taking into account the fact that the petitioner retired in 2013, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in six equal 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".

8. 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(AS)

/True Copy/

Sub-Assistant Registrar

To

The Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
New Railway Station Road, Kumbakonam.

+One cc to Mr.D.Sivaraman, Advocate, SR.No.9834
+One cc to M/s.C.Thangamani, Advocate, SR.No.9622
sms
RL/4C/GSV/AN/SARI/25/2/2016