



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.8595 of 2016

and

WMP (MD) No.6889 of 2016

R.Shanthi

...Petitioner

Vs.

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

...Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records from the respondent relating to the impugned order dated 07.05.2015 passed in Ref: LD.L1:1478/15, quash the same and consequently direct the respondent to pay Rs.3,37,383/- towards leave salary together with 18% interest per annum from 31.07.2012 and also interest amounts towards the delayed payment of Gratuity amount of Rs.5,91,404/- for the period from 31.07.2012 to 28.05.2015 as per Sec. 7 (3A) of the Payment of Gratuity Act.

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

ORDER

This writ petition has been filed challenging the order of the respondent, dated 07.05.2015 passed in Ref: LD.L1:1478/15 and consequently directing the respondent to pay retirement benefits due to the petitioner's husband along with interest.

2.It is stated that though the petitioner's husband was allowed to retire from the service of the respondent, till date the respondent/ Corporation has not settled the retirement benefits. Hence, the petitioner has given representation to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the same, the petitioner has come up with the above writ petition.

3.When the matter is taken up for hearing, Mr.A.P.Muthupandian, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondent would consider the request of the petitioner in the light of the judgment passed by the Honourable Division Bench.

4.For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve



equal monthly installments, carrying interest of 6% p.a.

2.The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3.The installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

5. In the result, the Writ Petition is allowed and the impugned order of the respondent, dated 07.05.2015 is set aside. No Costs. Consequently, connected miscellaneous petition is closed.

6. Further, following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondent is directed to pay the amount due to the petitioner in 12 equal monthly installments commencing from 10th June, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable could be 18% for the delayed period.

7.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 to.

8.The learned counsel for the respondent/Transport 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.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

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

+1cc to M/s.S.Arunachalam, Advocate in SR.25033

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