



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No. 13017 of 2017

WEB COPY

M. Govindan

... Petitioner

vs.

1. The Secretary to Government
Transport Department,
Tamil Nadu Government,
St. George Fort,
Chennai - 600 009.

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

3. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle a sum of Rs.3,22,864/- towards Earned leave, Medical leave and other retiral benefits payable to the petitioner with reasonable rate of interest.

For Petitioner	: Mr. N. Sudhagar Nagaraj
For R1	: Mr. K. Guru, Additional Government Pleader
For R2 & R3	: Mr. Sivaraman

ORDER

This petition has been filed, seeking for a direction to the respondents to settle a sum of Rs.3,22,864/- towards Earned leave, Medical leave and other retiral benefits payable to the petitioner with reasonable rate of interest.

2. The petitioner was employed as Technical Level-5 in the second respondent Corporation and he retired from service on 28.02.2017 on attaining the age of superannuation.

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 equal monthly instalments 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 instalment.

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 retirement benefits of the petitioner that are yet to be settled, in twelve equal monthly instalments;

ii) The first instalment shall commence by making payment on or before the 5th September 2017 and the amount in each of the remaining instalments shall be paid on or before 5th of every succeeding month;

iii) The said retirement amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making instalments, the interest payable could be 18% for the delayed period;

iv) The aforesaid direction to settle the retirement 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(P & A)

/True Copy/

Sub Assistant Registrar

To:

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St. George Fort, Chennai - 600 009.

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3. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

+1cc to Mr. N. SUDHAGAR NAGARAJ Advocate in SR. NO. 65416

+1cc to Mr. D. SIVARAMAN Advocate in SR. No. 65771

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 65918

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JS/JC/SAR.1/28.7.2017/2P-7C

W.P. (MD) No. 13017 of 2017

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