



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.7802 of 2017

S.Radha

.. Petitioner

Vs.

The Management of ,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

.. Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner Rs.9,78,572/- towards Gratuity, Rs.5,09,005/- towards encashment of 350 days of Earned leaves and 8.5 days of Sick Leaves and Rs.1,41,609/- towards encashment of 90 days of leave on personal affairs, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employee's contribution amount Rs.14,55,587/- for the period from 31.01.2017 to 20.01.2018 at the same rate, 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

O R D E R

The petitioner was employed as "Tradesmen" in the respondent Corporation and he retired from service on 31.01.2017 on reaching the age of superannuation.

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

3.On encashment of 90 days leave on personal affairs, the petitioner is permitted to workout his remedy separately as the matter is *sub judiced* under Tamil Nadu Leave Rules. The petitioner is permitted to workout his remedy regarding encashment of 90 days leave on personal affairs separately.



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 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. The learned Standing Counsel for the respondents has no objection to pass similar orders passed by this Court earlier following the order of the Hon'ble Division Bench.

5. 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 10th of June 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 to interest for the amount already settled, he can agitate the same as per law, if he is entitled.

v) The above directions are only in respect of gratuity and other benefits and the direction is not in relation to the claim of pension towards encashment of 90 days leave for personal affairs. As far as the claim relating to encashment of leave for personal affairs is concerned, the petitioner is permitted to workout his remedy separately as the issue is now pending before the Hon'ble Supreme Court.

No costs.

Sd/-

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/



To

+1 CC TO MR.S.ARUNACHALAM, ADVOCATE, SR NO.54058

+1 CC TO MR.D.SIVARAMAN, ADVOCATE, SR NO.53841

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MAS/MR:19.05.2017:3P-3C

ORDER MADE IN
W.P. (MD) .Nos.7802 of 2017
(1/2)
25.04.2017