



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P(MD) No. 24469 of 2016

K.S. Sundar

... Petitioner

vs.

The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Madurai Region, Rep. by its General Manager,
Madurai.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to pay the petitioner Rs.7,39,809/- towards Gratuity, Rs.2,43,095/- towards Leave Salary apart from paying wages for the sick leave earned by him in his service before 31.08.1998 and stood in his leave credit together with 18% interest per annum within a time frame as may be fixed by this Honble Court.

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

ORDER

This matter has been listed today under the caption "for being mentioned" at the instance of the petitioner.

2. Learned counsel for the petitioner would submit that instead of typing the usual format order, directing the respondent to pay the benefits in twelve instalments, a different order to the extent of considering the representation of the petitioner has been wrongly typed and therefore, the earlier order should be recalled and the usual format order has to be incorporated.

3. The respondent has no objection in directing the respondent to release the entire retiral benefits in twelve installment as prayed for by the petitioner in this petition, as in the case of other employees.

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 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.

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 instalments;

ii) The first instalment shall commence by making payment on or before the 10th March 2017 and the amount in each of the remaining instalments 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 instalments, 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. No costs.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

The General Manager,
The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Madurai Region, Madurai.

+1cc to M/S.S.ARUNACHALAM, ADVOCATE SR.No.82715

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PSM/SV-MMS/10.02.2017/2P/2C

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