

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

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THE HONOURABLE DR.JUSTICE S.VIMALA

W.P.Nos.30737 to 30739 of 2018

J.Manoharan ... Petitioner in WP.30737/18

K.Rathinam ... Petitioner in WP.30738/18

K.Manickam ... Petitioner in WP.30739/18

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vazhuthareddy Post,
Salamedu, Villupuram- 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Vellore Region, Vellore - 632 009.

.. Respondents (in all WP's)

PRAYER in WP.No.30737 of 2018:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the Differential of Gratuity Rs.49,319/- and 10 days salary along with interest at the rate of 18% within the stipulated time as fixed by this Court.

COMMON PRAYER in WP.Nos.30738 & 30739 of 2018:

Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the Differential of Gratuity Rs.63,556/- and Rs.77,023/- salary along with interest at the rate of 18% within the stipulated time as fixed by this Court.

For Petitioner : Mr.J.Pradeep
(in all WP's)

For Respondents : Mr.A.Antony Arockiaraj,
(in all WP's) Standing Counsel.

COMMON ORDER

Mr.A.Antony Arockiya Raj, learned Standing Counsel takes notice on behalf of the respondents.

2. These writ petitions have been filed by the petitioners seeking to direct the respondents to pay the Differential Gratuity amount along with interest at the rate of 18% within a stipulated time.

3. It is submitted that the petitioner in WP.No.30737 of 2018, joined in service in the erstwhile Pattukottai Transport Corporation, Vellore on 18.01.1990 as Conductor and retired from service as Selection Grade Conductor on 30.09.2010. The petitioner in WP.No.30738 of 2018, joined in service in the erstwhile Pattukottai Azhagiri Transport Corporation, Vellore on 19.05.1982 as Helper and retired from service as Senior Tradesman in the Pernampet Depot of the second respondent on 31.12.2010. The petitioner in WP.No.30739 of 2018, joined in service in the erstwhile Pattukottai Azhagiri Transport Corporation, Vellore on 06.02.1980 as Mechanic and retired from service as Senior Tradesman in the Pernampet Depot of the second respondent on 31.12.2010.

4. It is the grievance of the petitioners that at the time of retirement, the petitioners received D.A at 45% but it was not calculated as per the norms, while calculating terminal benefits. It is further submitted that though certain terminal benefits were paid to the petitioners, however, gratuity amount in full has not been settled to the petitioners. Though representation has been given, since the same did not evoke any response, the present petitions have been filed for the relief as stated above.

5. It is submitted that this Court in WP.No.43667 of 2016 has awarded interest at 6% on belated payment of terminal benefits and, on appeal, the same has been confirmed by the Division Bench of this Court in W.A.No.665 of 2015.

6. Following the said Judgment, this Court is of the view that it would suffice to direct the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioners, within a particular time frame.

7. Accordingly, the writ petitions are disposed of directing the respondents to pay interest at the rate of 6% p.a. on the belated payment of terminal benefits to the petitioners in the light of the ratio laid down by this Court as noted above,

within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy Post,
Salamedu,
Villupuram- 605 602.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore - 632 009.

+3ccs to Mr.J.Pradeep, Advocate, S.R.Nos.83148 to 83150
+1cc to Mr.A.Antony Arockiaraja, Advocate, S.R.No.83251

W.P.Nos.30737 to 30739 of 2018

SV(CO)

rrs 07/12/2018

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