



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2018**

CORAM:

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND**

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A. [MD].No.22 of 2018

G.Ramalingam

: Appellant

Vs.

1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
represented by its
Managing Director,
Kumbakonam.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.
 3. The Assistant Manager (Personnel),
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.
 4. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- : Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 03.11.2016 made in W.P.(MD).No.16981 of 2016, on the file of this Court.

Prayer in WP(MD). 16981/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 3rd respondent dated 23.03.2016 in ordering recovery of Rs.31,536/- from the petitioners terminal benefits towards unimplemented punishments of increment cuts, quash the same and consequently direct the respondents to settle his Gratuity, Commuted value of pension, Earned Leave Salary, Cholan Employees Security Scheme amount and refund of his contribution made to Medical, Engineering, Polytechnic Colleges and to Institute of Road Transport and other attendant retiral benefits without making



any recovery together with interest at the rate of 18% per annum payable to him without effect from 31.01.2016 to till the date on which the above benefits are settled to the petitioner and further directing the respondents to refund a sum of Rs.31,536/- already adjusted from his terminal benefits with interest at the rate of 18% per annum.

For Appellant : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman for R.1 to R.3

Mr.K.Sathiya Singh for R.4

JUDGMENT

[Judgment of the Court was delivered by **The Hon'ble Chief Justice**]

The issues involved in this writ appeal are covered by the judgment and order dated 30th June 2017 passed by a Division Bench of this Court in a batch of writ appeals. By the said judgment and order, the Division Bench directed the Management to settle the entire terminal benefits to the workmen with interest at 6% per annum on the expiry of three months from the date of retirement of the concerned workmen and in default, to pay interest at 18% from the date of retirement till the date of payment.

2. We are informed that a Special Leave Petition filed by the authorities against the aforesaid judgment and order has been dismissed. Judgment and order has assumed finality.

3. The appellant, similarly circumstanced as some of the writ petitioners covered by the aforesaid judgment and order dated 30th June 2017, filed a writ petition claiming release of his terminal benefits. By the order impugned, the dues have been directed to be released, but, there is no order for interest.

4. The appeal is disposed of, by directing the respondents to pay interest on gratuity and other terminal benefits at the rate of 6% per annum from the date of retirement till the date of liquidation of the terminal dues of the appellant. The interest shall positively be released within six weeks from date, failing which, interest shall be paid at 18% per annum, as directed by the Division Bench in the batch of writ appeals filed by Mr.P.Sundararajan and others. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To

1. The Managing Director,
Management of Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.
3. The Assistant Manager (Personnel),
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.
4. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.D.Sivaraman, Advocate Sr.No.60297

+1cc to Mr.K.Sathiya Singh, Advocate Sr.No.60188

NB/RSB

VB/SKN/RSK/SAR2/07.06.2018/3P/7C

**JUDGMENT MADE IN
W.A. [MD] .No.22 of 2018
06.04.2018**