



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

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THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.A.[MD].No.484 of 2018

N.Muthusamy : Appellant / Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation,
Rep. By its Managing Director,
Bye Pass Road,
Madurai.

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

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

: Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order passed in W.P.(MD)No.2685 of 2014 dated 03/11/2016 insofar as not directing the respondents to pay interest for the belated payment of terminal benefits including the recovered amount from the appellant.

Prayer in WP(MD). 2685/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring the action of respondents 1 and 2 in recovering a sum of Rs.1,90,866/- from the petitioners gratuity towards non- implemented punishment of increment cuts imposed on him as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to refund the said recovered amount to him together with interest at the rate of 12% per annum payable to him with effect from 1.7.2011 to till the date on which the said amount is refunded to him.



For Appellant
For Respondents

: Mr.A.Rahul
: Mr.A.P.Muthupandian

JUDGMENT

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

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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.Sundarajan and others. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
The Management of
Tamil Nadu State Transport Corporation, (Madurai) Ltd.,
Bye Pass Road,
Madurai.



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

3.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

+1cc to M/S.A.Rahul, Advocate SR.No. 58041

JUDGMENT MADE IN
W.A.[MD].No.484 of 2018
26.03.2018

rr/gk
JM/SV MMS/SAR 3/09.04.2018/3P/5C