



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.10.2028

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.21726 of 2018

WEB COPY

C.Sivakami

...Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli)Limited,
Tirunelveli.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli)Limited,
Nagercoil Region,
Ranithottam,
Nagercoil

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the terminal benefits of the husband of the Petitioner I.e., gratuity of Rs.38,784 and Earned Leave encashment for 30 ½ days, to the Petitioner.

For Petitioner : Mr.C.T.Perumal

For Respondents: Mr.K.Sathiya Singh

1 and 2

Standing Counsel for TNSTC

ORDER

The Petitioner's husband was employed as Conductor in the respondents Corporation and he was dismissed from service on 24.11.2006 and died on 17.3.2018.

2.Hence the Petitioner/wife has filed this writ petition seeking for a direction to the respondents to pay the gratuity amount of Rs.38,784 and Earned Leave encashment for 30 ½ days, to the Petitioner.

3.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.

<https://hcservices.ecourts.gov.in/hcservices/>

4.In these circumstances, this writ petition is disposed of



with the following directions:-

i) Though this Court directed the transport corporation to settle the terminal benefits of the employees of the transport Corporations in twelve equal monthly instalments, as the amount claimed by the Petitioner/wife is small and the Petitioner's husband/employee is no more, this Court directs the respondents/transport Corporation to disburse amount of Rs.38,784 and E.L. encashment for 30 ½ days to be disbursed in three equal instalments. Out of which, respondents are directed to pay the first instalment of Rs.10,000/- on or before 2.11.2018, the second instalment on or before 15.12.2018 and the third instalment on or before 10.1.2019.

ii) The said terminal benefit 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;

iii) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the above said benefits, if the same is paid lesser than the amount to which, she is entitled to receive. Likewise, if the petitioner has any grievance that she is entitled to interest for the amount already settled, she can agitate the same as per law, if she is entitled. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Managing Director, Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Tirunelveli.

2. The General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Limited, Nagercoil Region, Ranithottam, Nagercoil.

+ 1 CC TO MR.C.T.PERUMAL, ADVOCATE IN SR NO.91823

+ 1 CC TO MR.K.SATHIYA SINGH, ADVOCATE IN SR NO.91934

VSN

BU/SKN/SAR-IV:19.11.2018 : 2P/5C

W.P (MD) No.21726 of 2018

25.10.2018