



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 20985 of 2018

and

WMP (MD) No. 18754 of 2018

WEB COPY

S. John

... Petitioner

Vs.

1. The Management of
State Express Transport Corporation
(Tamil Nadu) Limited
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

2. The General Manager,
State Express Transport Corporation
(Tamil Nadu) Limited
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

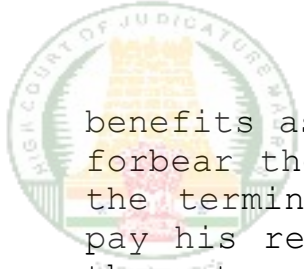
PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the action of the respondents in imposing recovery of Rs.86,400/- under the head of "Non-implemented Punishments of Increment Cuts" from the petitioner's terminal benefits as illegal, null and void and without jurisdiction and to forbear the respondents from making recovery of Rs.86,400/- from the terminal benefits and consequently direct the respondents to pay his recovered amount of Rs.66,400/- together with interest at the rate of 18% per annum payable from 31.07.2018 to till the date on which the above amount is settled to the petitioner.

For Petitioner : Mr.A.Rahul

For Respondents: Mr.K.Sathiyasingh

ORDER

The Writ Petition has been filed praying to issue a Writ of Declaration, declaring the action of the respondents in imposing recovery of Rs.86,400/- under the head of "Non-implemented Punishment of Increment Cuts" from the petitioner's terminal



benefits as illegal, null and void and without jurisdiction and to forbear the respondents from making recovery of Rs.86,400/- from the terminal benefits and consequently direct the respondents to pay his recovered amount of Rs.66,400/- together with interest at the rate of 18% per annum payable from 31.07.2018 to till the date on which the above amount is settled to the petitioner.

2. When the matter is taken up for hearing, it is represented by the learned counsel appearing on either side that the issue had already been covered by the principle laid down by this Court in W.A. (MD) No.465 of 2017, dated 30.06.2017.

3. Since the issue is squarely covered by various orders passed by this Court, in the light of the Division Bench judgment in **W.A. (MD) No.465 of 2017, dated 30.06.2017**, this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly installments carrying interest of 6% p.a. The first installment should commence from November, 2018 and each of the installments should be paid on or before 10th of each month. In case of any delay in the payment of the installments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the installments.

4. 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 amount already settled, he can agitate the same as per law, if he is entitled to. No costs. Consequently, the connected miscellaneous is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-III)

+ 1 CC TO MR.A.RAHUL, ADVOCATE IN SR NO. 90721
+ 1 CC TO MR.K.SATHIYASINGH , ADVOCATE IN SR NO.90405

MPK

BU/NM/SV/SAR-III :16.11.2018 : 2P/3C