



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2018

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.22167 of 2018

A.R.Balakrishnan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited.,
Bye Pass Road,
Madurai - 625 010

... Respondent

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per VI Pay Commission Report.

For Petitioner :Mr.C.Thangamani

For Respondent :Mr.A.Jayaram

O R D E R

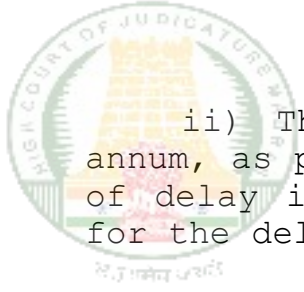
The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per VI Pay Commission Report.

2. Heard both sides.

3.The First Bench of this Court in similar matter has passed an order dated 15.06.2017 in W.A.(MD) Nos.716 & 718 of 2018, issuing direction to the transport Corporations to pay the difference amount of encashment of earned leave within a period of six months together with interest at 6% per annum till the date of realisation.

4.In these circumstances, this writ petition is disposed of with the following directions:-

i)A direction is issued to the transport corporation to settle the difference amount of encashment of earned leave, based on the revised scale of pay, in two months, preferably, on or before 5th of January, 2019.



ii) The said terminal amount 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 difference amount of encashment of earned leave 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 the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited.,
Bye Pass Road,
Madurai - 625 010

+1cc to Mr.C.Thangamani, Advocate, SR.No. 93807

W.P. (MD) No.22167 of 2018
31.10.2018

MPK

KK/RP/SAR-1/27.11.2018/2P-3C