



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED 05.09.2018  
CORAM  
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.19256 of 2018

WEB COPY

E.Selvaraj

.. Petitioner

Vs

The Management of  
Tamil Nadu State Transport Corporation (Kumbakonam) ltd.,  
Trichy Region,  
Rep by its General Manager,  
Trichy.

.. Respondent.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to refund the amount Rs.38,632/- recovered from terminal benefits of the petitioner in the name of recovery for Increment Cut, together with 6% interest per annum.

For Petitioner : Mr.S.Arunachalam.

For Respondent : Mr.D.Sivaraman

**ORDER**

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the respondent to refund the amount Rs.38,632/- recovered from terminal benefits of the petitioner in the name of recovery for Increment Cut, together with 6% interest per annum.

2.When the matter is taken up for hearing today, the learned counsel for the Petitioner has produced a copy of the judgment in W.A(MD)Nos.465 of 2013 and batch, dated 30.6.2017, wherein this Court while dealing with the similar issue, has passed the following order:

'39.In the result, the first set of Writ Appeals filed by the Management are dismissed, the second set of Writ Appeals filed by the workmen are partly allowed; and the third and last set of Writ Appeals filed are allowed, with a direction to the Management to settle the entire terminal benefits to the workmen in twelve equated monthly installments together with the simple interest at 6% per annum on the expiry of three months from the date of retirement of the concerned workman, in default, to pay interest at the rate of 18% per annum from the date of retirement till the date of payment. The first monthly installment shall commence from November 2017 and the terminal benefits shall be paid on



or before 10<sup>th</sup> of the said month and the remaining installments shall be paid on or before 10<sup>th</sup> day of every succeeding month. No costs. Consequently, connected Miscellaneous Petitions are closed.''

3. On a perusal of the judgement referred to by the learned counsel for the Petitioner, it is apparent that the matter is squarely applicable to the facts of the present case. Therefore this Writ Petition is disposed of in terms of the above judgement as follows:

'In the result, this Writ Petition is disposed of with a direction to the Management to settle the entire terminal benefits to the workmen in twelve equated monthly installments together with the simple interest at 6% per annum on the expiry of three months from the date of retirement of the concerned workman, in default, to pay interest at the rate of 18% per annum from the date of retirement till the date of payment. The first monthly installment shall commence from November 2018 and the terminal benefits shall be paid on or before 10<sup>th</sup> of the said month and the remaining installments shall be paid on or before 10<sup>th</sup> day of every succeeding month. No costs.''

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The General Manager,  
Management of  
Tamil Nadu State Transport  
Corporation (Kumbakonam) ltd.,  
Trichy Region,  
Trichy.

+1CC to Mr.S.Arunachalam, Advocate, SR.No.82448  
+1CC to Mr.D.Sivaraman, Advocate, SR.No.82412

W.P (MD) No.19256 of 2018  
05.09.2018

NS  
ES/SKN/RSK/SAR 1/01.11.2018/2P/4C