



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.09.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.19508 of 2018

P.Durairaj

... Petitioner

Vs

1.The State of Tamil Nadu,  
Represented by its Additional Chief  
Secretary to Government and Chairman of  
State Transport Undertakings,  
Transport Department,  
For St. George,  
Chennai-600 002.

2.The Managing Director,  
The Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli-11.

3.The General Manager,  
The Tamil Nadu State Transport,  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli Region,  
Tirunelveli-03.

..Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to compute and pay the petitioner's entire terminal benefits payable to him including Gratuity and Terminal Leave Salary by strictly adhering to the pay revision given under settlement entered on 04.01.2018 under Section 12(3) of the ID Act, together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Court.

|                |                            |
|----------------|----------------------------|
| For Petitioner | :Mr.A.Rahul                |
| For R1         | :Mr.R.Sethu Raman          |
|                | Special Government Pleader |
| For R2 & R3    | :Mr.K.Sathiya Singh        |
|                | Standing Counsel for TNSTC |

**ORDER**

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus, directing the respondents to compute and pay the petitioner's entire terminal benefits payable to him including Gratuity and Terminal Leave Salary by strictly adhering to the pay revision given under settlement entered on 04.01.2018 under Section 12(3) of the ID Act, together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time stipulated by this Court.

2. When the matter is taken up for hearing today, the learned counsel appearing 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 3<sup>rd</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.'*

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Sd/-

Assistant Registrar (RTI)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. Additional Chief Secretary to  
Government and Chairman of  
State Transport Undertakings,  
The State of Tamil Nadu,  
Transport Department,  
For St. George,  
Chennai-600 002.
2. The Managing Director,  
The Tamil Nadu State Transport  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli-11.
3. The General Manager,  
The Tamil Nadu State Transport,  
Corporation (Tirunelveli) Ltd.,  
Tirunelveli Region,  
Tirunelveli-03.

+1 CC To MR.A.RAHUL, Advocate SR. NO.83286

+1 CC To MR.K.SATHIYA SINGH, Standing Counsel for TNSTC/HR&CE  
SR. NO. 83801

+1 CC TO The Special Government Pleader SR.NO. 83667

**W.P(MD)No.19508 of 2018**  
**10.09.2018**

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TR/RP/SAR-IV(03.10.2018) 3P 7C