



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2018

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.20974 of 2018

WEB COPY

S.Gunasekaran

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam Region,
Rep.by its Managing Director,
Kumbakonam

... Respondent

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to refund the amount Rs.62,361/- recovered from the terminal benefits, in the name of Non-implemented Increment Cut, together with 16% interest p.a.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Sivaraman

Standing Counsel

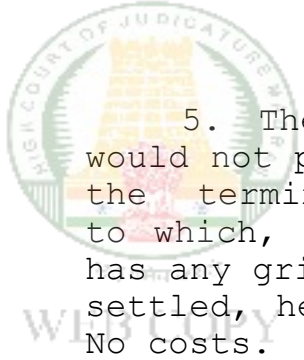
ORDER

The petitioner has come forward with the present Writ Petition for issuance of a Writ of Mandamus, directing the respondent to refund the amount Rs.62,361/-, recovered from the terminal benefits of the petitioner, in the name of Non-implemented Increment Cut, together with 16% interest p.a.

2. Mr.D.Sivaraman, the learned Standing Counsel takes notice for the respondent.

3. 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 a Division Bench of this Court in W.A.(MD)No.465 of 2017, dated 30.06.2017.

4. Since the issue is squarely covered by the principle laid down by a Division Bench judgment of this Court in W.A.(MD)No.465 of 2017, dated 30.06.2017, this writ petition is disposed of with a direction to the respondent to settle the entire terminal benefits due and payable to the petitioner in twelve equal monthly instalments carrying interest of 6% p.a. The first instalment should commence from November, 2018 and each of the instalments should be paid on or before 10th of each month. In case of any delay in the payment of the instalments, 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 instalments.



5. 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.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

+1CC to Mr.S.Arunachalam, Advocate, SR.No.90467
+1CC to Mr.D.Sivaraman, Advocate, SR.No.90681

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