



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 04.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P (MD) No.591 of 2017

and

W.M.P (MD) No.17627 of 2017

S.Selvaraj

..Petitioner

Vs

The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.

..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 of Rs.1,20,537/- recovered from the terminal benefits of the Petitioner in the name of un-implemented increment cut with 18% 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 of Rs1,20,537/- recovered from the terminal benefits of the Petitioner in the name of un-implemented increment cut with 18% 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 10th of the said month and the remaining installments shall be paid on or before 10th 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.

4. Accordingly, following the said judgment, 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 instalments 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 instalment shall commence from November 2018 payable before 3.11.2018 and the remaining instalments shall be paid on or before 10th day of every succeeding month. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To
The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.

+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE IN SR NO.82157
+ 1 CC TO MR.S.ARUNACHALAM , ADVOCATE IN SR NO.82426

VSN

BU/PM/SAR-IV : 04.10.2018 : 2P/4C