



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 29.08.2018
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.4426 of 2013

WEB COPY

M.Muthu (died)

Visalakshi,
W/o.Late M.Muthu
No.15, Chokkalingam Chettiar Street,
N.Pudur, Karaikudi - 630 001.

(Petitioner was substituted as L.R of the
deceased sole Petitioner as per order made
in M.P(MD)No.1 of 2014 in W.P(MD)No.4426 of 2013
dated 19.9.2014)

..Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Corporate Office,
No.27, Railway Station New Road,
Kumbakonam, Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Karaikudi Region,
Marudhupathi, Managiri Post,
Karaikudi,
Sivagangai District.

3.The Deputy Manager (Accounts-in-charge),
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Karaikudi Region,
Marudhupathi, Managiri Post,
Karaikudi,
Sivagangai District.

..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 effect payment of gratuity difference amount due Rs.1,18,358/-and unavailed Leave Salary amount due Rs.79,450/- with interest.

For Petitioner :Mr.N.Rahamadullah
For Respondents :Mr.A.P.Muthupandian,



ORDER

The Petitioner has come forward with this Writ Petition seeking to issue a Writ of Mandamus directing the respondents to effect payment of gratuity difference amount due Rs.1,18,358/-and un-availed Leave Salary amount due Rs.79,450/- with interest.

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2.Originally, the Petitioner was the employee of the respondents/Corporation and after the death of the sole Petitioner/employee, his wife has been substituted in the place of the sole Petitioner, as Petitioner, in the Writ Petition.

3.The respondents proceeded to pay the gratuity as if the maximum gratuity to be paid as per Gratuity Act is Rs.3.5 Lakhs. The gratuity amount has now been enhanced to Rs.10 lakhs and that the Petitioner has retired from service only after enhancement of gratuity limit. The Pay was also revised in the sixth Pay Commission. Hence the Petitioner is entitled to un-availed leave salary in terms of G.O.No.235, dated 1.6.2009. The Petitioner is also entitled to difference in gratuity amount. He is also entitled to the benefit of encashment of Un-availed leave Salary proportionately after the revision of pay in the Sixth Pay Commission.

4.Accordingly the respondents are directed to make payment of the amount due to the Petitioner to his legal heir/wife, as stated supra within a period of four weeks from the date of receipt of a copy of this order. If the amount is not paid within the time stipulated by this Court, the said amount will carry compound interest at the rate of 15% p.a from the date it became due and the interest portion shall be recovered from the respondents at the rate of 50%,25% and 25% from the respondents 1 to 3 respectively, apart from entering adverse remarks in their service records so that the promotion, if any, to the respondents can be deprived on account of adverse remarks. That apart, the retiral benefits of the respondents shall not be settled till the amount due to the Petitioner is paid.

5.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-II)

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Limited,
Corporate Office,
No.27, Railway Station New Road,
Kumbakonam, Thanjavur District.



2.The General Manager,
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Marudhupathi, Managiri Post,
Karaikudi,
Sivagangai District.

+1cc to Mr.A.P.MUTHU PANDIAN, Advocate, SR.No.81097

W.P (MD) No.4426 of 2013

VSN

KK/RP/SAR-2/04.12.2018/3P-5C