



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A. (MD) No.458 of 2019

P.K.Paulraj

... Appellant/Petitioner

-vs-

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

2.The Administrator,
Tamil Nadu State Transport Employees Pension
Fund Trust, Thituvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents/Respondents

PRAYER: Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 13.02.2019 in W.P.(MD) No.3227 of 2019 on the file of this Court.

Prayer in WP(MD)No. 3227/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.5,28,787/- towards EPF Employees Contribution, Rs.7,81,511/- towards Gratuity, Rs.3,82,032/- towards encashment of 240 days of Earned Leaves, Rs.5,000/- towards Refundable Deposits and etc., together with 18% interest per annum and further directing the respondents to pay him Rs.7,06,479/- towards the Pension Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Appellant : Mr.S.Arunachalam

<https://hcservices.ecourts.gov.in/Respos> For Respondents : Mr.D.Sivaraman

**JUDGEMENT**

[Judgment of the Court was made by S.S.SUNDAR, J.]

The appellant has filed a Writ Petition for issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.5,28,787/- towards EPF Employee's Contribution, Rs.7,81,511/- towards Gratuity, Rs.3,82,032/- towards encashment of 240 days of Earned Leave, Rs.5,000/- towards refundable deposits and etc. together with 18% interest per annum, and further directing the respondents to pay the petitioner Rs.7,06,479/- towards Pension Commutation, together with 18% interest per annum within a time frame fixed by this Court. The learned Single Judge allowed the Writ Petition with a direction to the respondents 1 and 2 to consider the appellant's representation dated 24.01.2019 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of that order. Aggrieved by the general direction, the appellant has preferred the above appeal.

2.The learned counsel appearing for the appellant as well as the first respondent agreed that this Court has earlier passed orders directing the respondent Transport Corporation to settle the terminal benefits in 12 equal monthly instalments. The appellant also agreed for such a direction to the respondent Transport Corporation to pay the terminal benefits in a time bound manner. The learned counsel for the appellant further requested this Court to direct the respondents to pay the Employees' Provident Fund Contribution, which was deducted from the appellant forthwith.

3.Though the learned counsel appearing for the first respondent expressed some difficulty, the request of the appellant is fair. Having regard to the fact that the appellant has retired from service on 30.06.2018 and that the terminal benefits has not been paid so far, the Writ Appeal is disposed of with the following directions:

(i) The Transport Corporation viz., the first respondent is directed to settle the Employees' Provident Fund Contribution of the appellant within four weeks from today.

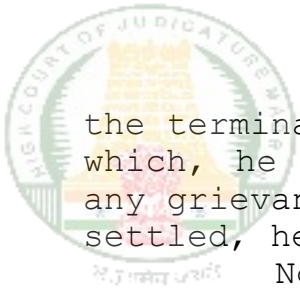
(ii) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

(iii) The first installment shall commence by making payment on or before 10th of May 2019 and each of the remaining installments shall be paid on or before 10th day of every succeeding month;

(iv) The said terminal benefit shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

<https://hcservices.ecourts.gov.in/hcservices/>

(v) 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 the amount already settled, he can agitate the same as per law, if he is entitled.

No costs.

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Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-60449[F] dated 11/04/2019)

+1 CC to M/s.S.ARUNACHALAM, Advocate(SR-60656[F] dated 12/04/2019)

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