



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP(MD)No.17051 of 2015
and
MP(MD)No.1 of 2015

N.Sathasivam (died)

1.S.Kamalam

2.S.Sviaprakasham

3.S.Annalakshmi

4.S.Anandaprakash

... Petitioners

[Petitioner Nos.1 to 4 were substituted
[Lrs] of the deceased sole petitioner
vide order dated 04.01.2017 in WMP(MD)
No.5365 of 2016]

Vs.

The General Manager,
Tamil Nadu State Transport Corporation,
Bypass Road,
Madurai - 625 010

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to pay terminal benefits calculating qualifying service from the date of appointment 11.11.1974 and directing to provide Earned Leave and Unearned Leave encashment along with interest to the petitioners.

For Petitioners

: Mr.S.Saji Bino

For Respondent

: Mr.AP. Muthupandian

ORDER

This writ petition has been filed seeking to direct the respondent to pay terminal benefits by calculating the qualifying service from the date of appointment, i.e., 11.11.1974 and to provide Earned Leave and Unearned Leave encashment along with interest to the petitioners.



2.The terminal benefits payable by calculating the qualifying service rendered by the deceased petitioner, from his date of appointment on 11.11.1974, have not been settled by the respondent and hence, this writ petition.

3.Upon instructions, the respondent has filed the counter affidavit, wherein at paragraph No.5, it has been explained as follows:

"5. I humbly submit the details of settlement of terminal benefits as follows:

Sl. No	Particulars	Amount in Rs	Cheque No/ Date
1	Provident Fund	54160	903784 / 30.06.2011
2	SSS	20328	August' 2011
3	IRT Contribution	3760	September'2011
4	Gratuity	468185	30.12.2013 through ECS
5	Pension Commutation	243194	Through ECS 2011
6	Leave Salary	241131	
7	Monthly Pension	13485	From 01.07.2011

6.I deny the averments in Para No.7 and 8 as false, the unavailed leave salary only Rs.241131/- was not settled due to the acute financial crisis prevailing in the respondent Transport Corporation, as and when the Government sanctions funds the respondent Transport Corporation will settle immediately."

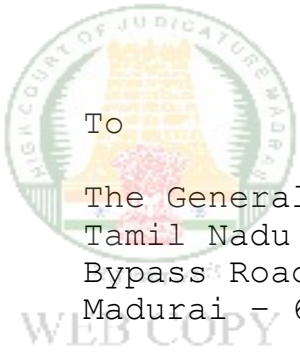
4.Such a counter affidavit came to be filed on 15.03.2018, even then nothing moved on. The learned Counsel for the petitioners seeks appropriate direction to fix an outer time limit for such payment. The learned Counsel appearing for the respondent seeks eight weeks time for the settlement.

5.Under such circumstances, the respondent is directed to settle the dues in favour of the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AD-I)

/True Copy/



To

The General Manager,
Tamil Nadu State Transport Corporation,
Bypass Road,
Madurai - 625 010

+1CC TO Mr.S.Saji Bino, Advocate, Sr No.51829

WP (MD) No.17051 of 2015
05.03.2019

dsk

SP/SAR-4/13.03.2019/3P.3C