



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14593 of 2019

M.Shanmugam

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Rep.by its General Manager,
Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to pay the petitioner the amount towards the encashment of 135.5 days of earned leaves surrendered by him before his retirement in the year 2009 to 2018 either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest per annum from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman
Standing Counsel

O R D E R

The relief sought for in the present Writ petition is to direct the respondent to settle the amount for 135.5 days of earned leave surrendered by the petitioner before his retirement from the year 2009 to 2018 together with interest at the rate of 18% per annum within a time frame that may be fixed by this Court.

2. The issues raised in this writ petition are no more *res integra* as the employees are entitled for interest which is affirmed by the Hon'ble Division Bench of this Court. This Court has



considered the said position in W.P(MD).No.11564 of 2018 dated 28.04.2018 and the relevant paragraphs are extracted hereunder:-

4. The terminal benefits are not bounty and it is a deferred portion of wages for the services rendered by an employee. Hence, non payment of terminal benefits to the employees without any valid reason, is no doubt, a violation of right to Life enshrined under Article 21 of the Constitution of India. The State being a modal employer, has to settle the benefits to its employees and immediately after their retirement and it is the duty mandated on the part of the State to settle the terminal benefits. Therefore, this Court is of the view that batch of writ petitions are filed before this Court seeking direction to pay terminal benefits and the attitude of the respondents driving the retired employees to approach this Court under Article 226 of the Constitution of India, is deprecated.

5. In view of the above, this Court is inclined to follow earlier directions granted by this Court and by following the terms stated therein. Accordingly, the Writ Petition stands disposed of and the respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A. (MD) Nos.383 to 457 of 2015 (K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation, Madurai Limited rep. by its Managing Director, Madurai and others) dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.06.2018. However, there shall be no order as to costs.

3. In view of the above judgment cited supra, the respondent is directed to consider the case of the petitioner, as per the service records and eligibility, and take a decision and pass appropriate orders as expeditiously as possible. Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (As)

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Sub Assistant Registrar (CS)

ssb



To

The General Manager,
Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Trichy.

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18320[F] dated 12/04/2022)
W.P.(MD) No.14593 of 2019

11.04.2022

MGJ(25.04.2022) 3P 3C