



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.14913 of 2019

WEB COPY

S.Ambrose

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The General Manager,
Tamil Nadu State Transport Corporation (Kum) Limited,
Karaikudi Region,
Maruthupaathi, Managiri,
Karaikudi-630 307.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to disburse the earned leave salary for 29 days surrendered from the year 2011 together with interest at the rate of 18% per annum from the date of his retirement to till the date of actual payment by the respondents, by considering the petitioner's representation dated 12.06.2019 in the light of the order dated 17.09.2018 passed by this Court in W.P(MD).No.16888 of 2018.

For Petitioner : Mr.S.P.Vijay Nivas
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 respondents to disburse the earned leave salary for 29 days surrendered by the petitioner from the year 2011 together with interest at the rate of 18% per annum from the date of his retirement till the date of actual payment by the respondents, by considering the petitioner's representation dated 12.06.2019, in the light of the order dated 17.09.2018 passed by this Court in W.P(MD). No.16888 of 2018.

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 respondents are 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 (CS III)

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Sub Assistant Registrar(CS)

ssb



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
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2.The General Manager,
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Maruthupaathi, Managiri,
Karaikudi-630 307.

+1 CC to M/s.SP. VIJAYNIVAS, Advocate (SR-18018[F] dated
12/04/2022)

+1 CC to M/s.D. SIVARAMAN, Advocate (SR-18321[F] dated 12/04/2022)
W.P.(MD) No.14913 of 2019

11.04.2022

MGJ(26.04.2022) 3P 5C