



W.P(MD)No.18766 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD).No.18766 of 2017

S.Subbiah,

: Petitioner

Vs

The Managing Director,
State Express Transport Corporation
(T.N.) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002

: Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus call for the records pertaining to the impugned order passed by the respondent in Ref. 029339/C3/A.V.Po.Ka.Tha.Na/2017 dated 31st August 2017, quash the same as illegal in so far as not fixing the time limit to settle the terminal Benefits including difference in Gratuity and Leave salary and also in so far as taking the salary of the petitioner for the month of December 2007 instead of May

1/5



W.P(MD)No.18766 of 2017

2013 for computing the terminal benefits of Medical Leave Salary payable to the petitioner and in consequence direct the respondent to pay the terminal benefits amount including Difference in Gratuity and unavailed Medical Leave Salary by taking 80% Dearness Allowance and also by taking the last month salary of May 2013 for computation in accordance with G.O.No.403, dated 10th October 2013 and the 12(3) settlement, dated 13.02.1999 and also the G.O.(Nilai)No.220 Transport (C1) Department, dated 06.08.1999 and also further directing the respondent to refund the amount of Rs.2500/- toward I.R.T. together with 18% interest from the date of the petitioner's retirement i.e. 31.05.2013 to till the date of actual payment made to him and all other attendant benefits within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.K.Sathiya Singh

Standing Counsel

ORDER

This writ petition had been filed seeking to quash the impugned order dated 31.08.2017 with a direction to the respondent to settle the terminal



W.P(MD)No.18766 of 2017

benefits including difference in gratuity and leave salary by conferring the benefits of the G.O.Ms.No.403, dated 10.10.2013 and G.O.(Nilai).No.220, dated 06.08.1999 read with the 12(3) settlement, dated 12.03.1981 with 18% interest.

2.The contention of the petitioner is that the petitioner had retired prior to 12(3) settlement. However, in the 12(3) settlement, certain benefits are granted to the employees by giving retrospective effect. Therefore, the petitioner is praying to implement the 12(3) settlement read with the Government order stated supra.

3.The respondent has passed the impugned order stating that the petitioner is entitled to get the benefits sought for. However, the only ground that was canvassed before this Court is that TNSTC is financially in a very weak position. Therefore, a scheme has been formulated to disburse the amount based on the seniority. The petitioner will be getting the benefits as and when the seniority arises.

4.Therefore, this Court directs the respondent to settle the amount



W.P(MD)No.18766 of 2017

within a period of six months, from the date of receipt of a copy of this order.

Interest may be calculated as applicable to the similarly placed persons.

5. With the above direction, this writ petition stands disposed of. No costs.

23.09.2022

Index : Yes / No

Internet : Yes/ No

lr

To
The Managing Director,
State Express Transport Corporation
(T.N.) Ltd.,
Thiruvalluvar Illam,
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W.P(MD)No.18766 of 2017

S.SRIMATHY, J.

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W.P(MD).No.18766 of 2017

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