



WEB COPY



W.P.No.44480 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

W.P.No.44480 of 2016

S.Eswaramoorthy

... Petitioner

vs.

The Management of
Tamilnadu State Transport Corporation (Kovai)Ltd.,
Rep.by its Managing Director,
Coimbatore.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner Rs.3,78,135/- towards gratuity and Rs.38,410/- towards with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Ms.G.K.Dharshini
for M/s.V.Ajoykhose

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

This writ petition has been filed to issue a writ of Mandamus,



W.P.No.44480 of 2016

directing the respondent to pay the petitioner Rs.3,78,135/- towards gratuity and Rs.38,410/- towards with 18% interest per annum, within a time frame as may be fixed by this Court.

2. It is the case of the petitioner that the petitioner S.Eswaramoorthy, S/o.Sivalinga Gounder, was appointed as 'driver' in the respondent Corporation on 12.08.1987. After completion of more than 26 years of service, the petitioner was working as a 'Special Grade Driver' at Coimbatore Region of the Respondent Corporation and retired on 30.04.2013 on attaining the age of auperannuation. The petitioner further submits that he is legally entitled to get various terminal benefits namely, Gratuity, Encashment of Leave etc., from the respondent. The respondent has not paid some of the petitioner's terminal benefits without any valid reason.

3. The petitioner further submits that in so far as the employees, who had been working before 1998, they are entitled to save the sick leaves/medical leaves earned by them, before 31.08.1998 separately, as per G.O.(Nilai) No.220, dated 06.08.1999, apart from the Earned Leave and to get wages for the same at the time of his retirement. The petitioner is entitled



W.P.No.44480 of 2016

to get the below said amount as follows:-

<i>Name of the Terminal Benefits</i>	<i>No.of days/years</i>	<i>Amount (Rs.)</i>
Earned Leave and Medical Leave	43.5 days(8.5 + 20+15)	38,410

But, till date, the respondent Corporation has failed to pay the petitioner, the balance gratuity amount of Rs.3,78,135/- and Rs,38,410/- towards leave salary with interest for the delayed payment of the part of gratuity. Hence, this writ petition has been filed.

4. Heard Ms.G.K.Dharshini, learned representing counsel for the petitioner and Mr.A.Sundaravadhanan, learned Standing Counsel for the respondent.

5. It is seen from the records that the petitioner was appointed as driver on 12.08.1987 and after completion of 26 years of service, retired as 'Special Grade Driver' on 30.04.2013. Retired employee from the service, is entitled to get retirement benefits after his retirement.



W.P.No.44480 of 2016

WEB COPY 6. The petitioner states that he has not been paid the pension benefits.

The Gratuity payable for his service period is calculated at Rs.3,78,135/- (rounded off to 26 years). The employee is entitled to get the terminal benefits such as Gratuity, encashment of leave etc. He was having 43.5 days in his earned leave and medical leave credit at the time of his retirement. Therefore, the petitioner states that he is entitled to Rs.38,410/- as wages for earned leave and medical leave.

7. In consideration of the above said details, this writ petition stands allowed with a direction to the respondent to pay a sum of Rs.3,78,135/- towards gratuity Rs.38,410/- towards leave salary together with interest at the rate of 10% p.a. and other retirement benefits if any, within a period of twelve weeks from the date of receipt of a copy of this order. There is no order as to costs. Miscellaneous petition if any stands closed.

30.04.2024

Index : Yes/No
Neutral Citation : Yes/No
kkd



WEB COPY



W.P.No.44480 of 2016

R.KALAIMATHI, J.,

kkd

To

The Managing Director,
The Management of Tamilnadu State
Transport Corporation (Kovai)Ltd.
Coimbatore.

W.P.No.44480 of 2016

30.04.2024
(3/5)