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W.P.No.44482 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

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

W.P.No.44482 of 2016

R.Mahalingam

... 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.6,15,099/- towards gratuity, Rs.3,15,707/- towards E.P.F. Employee's Contributions and Rs.3,63,629/- towards Leave Salary, together 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



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ORDER

This writ petition has been filed to issue a writ of Mandamus, directing the respondent to pay the petitioner Rs.6,15,099/- towards gratuity, Rs.3,15,707/- towards E.P.F. Employee's Contributions and Rs.3,63,629/- towards Leave Salary, together 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 R.Mahalingam, S/o.Rangan, was appointed as 'Conductor' in the respondent Corporation on 06.11.1986. After completion of more than 30 years of service, the petitioner was working as a 'Special Grade Conductor' at Coimbatore Region of the Respondent Corporation and retired on 30.06.2016 on attaining the age of superannuation. 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.



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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 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	287 days(149.5+77.5+60)	3,63,629

But, till date, the respondent Corporation has failed to pay the petitioner, the balance gratuity amount of Rs.6,15,099/- 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.



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5. It is seen from the records that the petitioner was appointed as driver on 06.11.1986 and after completion of 30 years of service, retired as 'Special Grade Conductor' on 30.06.2016. Retired employee retired from the service, is entitled to get retirement benefits after his retirement.

6. The petitioner states that he has not been paid the pension benefits. The Gratuity payable for his service period is calculated at Rs.6,15,099/- (rounded off to 30 years). The employee is entitled to get the terminal benefits such as Gratuity, encashment of leave and Employee's Contributions etc. He was having 287 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.3,63,629/- 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.6,15,099/- towards gratuity Rs.3,15,707/-towards E.P.F.Employee's Contributions and Rs.3,63,629/- towards leave salary together with interest at the rate of 10%



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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

To

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



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R.KALAIMATHI, J.,

kkd

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