



W.A(MD) No.1008 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A(MD) No.1008 of 2018
and CMP(MD) No.7079 of 2018**

1. The Tamil Nadu State Transport Corporation Limited.,
Rep. By its Managing Director,
Bye Pass Road, Madurai.

2. The Financial Advisor and Chief Accounts Officer,
TNSTC Madurai Ltd.,
Madurai – 625 010.

... Appellants/2nd & 3rd Respondents

Vs

1. P.Balasubramanian

... 1st Respondent/Petitioner

2. The Principal Secretary Cum Chairman of
State Transport Undertaking Transport Department,
Fort St.George, Chennai.

... 2nd Respondent/1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to set aside the order in W.P(MD) No.10813 of 2016, dated 22.06.2016 on the file of this Court.



W.A(MD) No.1008 of 2018

For Appellant : Mr. S.Muthuraj

for Mr.A.Jeyaram

For Respondents : Mr.K.Viralinathan (R1)

Mr.N.Ramesh Arumugam (R2)
Government Advocate

J U D G M E N T

This Writ Appeal has been filed by the respondent in W.P(MD) No. 10813 of 2016, questioning the common order passed by the learned Single Judge, dated. 22.06.2016.

2.The writ petitioner in W.P(MD) No.10813 of 2016 has filed the writ petition in the nature of mandamus seeking a direction against the appellants/respondents to settle the retirement benefits including gratuity, un-availed leave salary and payment for leave on private affairs and all other attendant benefits along with interest within a stipulated period.

3.The learned Single Judge by a common order, dated 22.06.2016, had taken up not only that particular writ petition, but several other writ petitions, and following a Judgment of a Division Bench of this Court had directed as follows:



WEB COPY

“5. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioners in 12 equal monthly installments commencing from 10th July, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable would be 18% for the delayed period.

6. The aforesaid direction to settle the terminal benefits would not preclude the workmen to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled to.

7. At this juncture, the learned Standing Counsel for the respondents/Transport Corporation says that against certain employees, there are recoveries pending. So, the above payment may be made subject to recoveries, if any from the employees. The petitioners are also agreeable for the same.”

4. Questioning the aforementioned directions by this Court, the present writ appeal had been filed.



W.A(MD) No.1008 of 2018

WEB COPY

5. During the course of arguments, it had become evident that the only issue is about non-payment of retirement benefits and withholding of retirement benefits for specific reasons for dues payable to the writ petitioner.

6. We therefore, directed both the appellants and the first respondent to file memos stating details about the amount payable and the amount received by either parties.

7. The learned counsel for the appellants had filed a memo, in which, the amount which had been paid has been listed out and it was finally stated that towards service surrender leave salary a sum of Rs.54,427/- had been transferred to the account of the first respondent through ECS on 12.09.2024, just about a week back.

8. On the side of the first respondent, a memo had been filed, wherein, it had been stated that gratuity and leave salary for 240 days had been settled, but the salary on private affairs as well as the eligible leave salary for the years from 2009-2013 @ 15 days for the respective years had not been paid.



W.A(MD) No.1008 of 2018

WEB COPY

9.It is the specific stand of the appellants that the first respondent was not eligible for unearned leave on private affairs. However, the first respondent has stated that he is eligible to get 60 days of unearned leave salary to the tune of Rs.1,21,016/-.

10.The matter had been pending before the Court right from the year 2018 onwards. When the first respondent had initially filed the writ petition, it was for a mandamus seeking a direction for the payment of the retirement benefits. Pending the writ appeal, substantial amounts has been paid to the first respondent. As a matter of fact, even on 12.09.2024, just about a week back, the appellants have paid the service surrender leave salary of Rs.54,427/- to the account of the first respondent through ECS.

11.In view of that fact, we would give a quietus to the entire issue and dispose of the writ appeal owing to the narrow confinement of the issues in the writ appeal. If at all, the first respondent still has any grievance, he could always give a separate representation giving specific heads of the retirement benefits, which he is eligible and which have not been paid. This Writ Appeal is



W.A(MD) No.1008 of 2018

accordingly disposed. No costs. Consequently, connected miscellaneous petition is closed.

[C.V.K,J]

[J.S.N.P,J]

19.09.2024

NCC : Yes/No
Index : Yes/No
PNM

To
The Principal Secretary Cum Chairman of
State Transport Undertaking Transport Department,
Fort St.George, Chennai.



WEB COPY



W.A(MD) No.1008 of 2018

C.V.KARTHIKEYAN,J.
and
J.SATHYA NARAYANA PRASAD, J.

PNM

JUDGMENT IN
W.A(MD) No.1008 of 2018
and CMP(MD) No.7079 of 2018

19.09.2024