



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARI PARANTHAMAN

W.P(MD)No.19807 of 2015

P.Nachiappan

.. Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
rep. by its Managing Director, Kumbakonam.

2.The Administrator
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle retirement benefits of the petitioner including gratuity, the commuted value of Pension, leave salary and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman for RR 1 & 2.

ORDER

The petitioner was employed as a Special Grade Conductor in the respondents transport corporation and he retired from service on 31.03.2015 on reaching the age of superannuation.

2.He has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

3.A counter affidavit is filed. In paragraph 3 of the counter affidavit, the details of the amount settled as well as the amount due to the petitioner towards the terminal benefits is given. The same is extracted hereunder:-

Sl. No	Details of the Retirement benefits	Settled Amount	Settled on	To be settled
1	Provident Fund	322294	21.08.2015	
2	Commutation	0		257961
3	Gratuity	0		607308
4	Leave Salary	0		43028
5	IRTS Refund	27440	14.07.2015	
6	IRT Refund	3860	17.04.2015	
	Total	353594		908297



4.The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A(MD)Nos.383 to 457 of 2015, issuing direction to the transport corporations to settle the terminal benefits of its employees in 12 equal monthly installments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of installments.

5.In view of the aforesaid Division Bench judgment, the transport corporations ought to have settled the terminal benefits of its employees on its own, without driving them to file individual writ petitions. But the transport corporations have not done so and a large number of writ petitions are filed every day.

6.In these circumstances, this Court has evolved a formula in issuing direction to pay the terminal benefits in twelve equal monthly installments to the persons who retired in 2015; nine equal monthly installments to the persons who retired in 2014; six equal monthly installments to the persons who retired in 2013 and five equal monthly installments to the persons who retired before 2013. This Court has also issued direction to pay interest as per the direction of the First Bench of this Court referred to above.

7.In these circumstances, the writ petition is disposed of with the following directions:-

(i)Taking into account the fact that the petitioner retired in 2015, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled as per paragraph 3 of the counter affidavit, in 12 equal monthly installments.

(ii)The first installment shall commence by making payment on or before 10.01.2016 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month.

(iii)The said terminal amount shall carry interest @ 6% per annum as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period.

8.The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



2.The Administrator
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

+1cc to M/S.A.Rahul, Advocate in SR.No. 70583

+2cc to Special Government Pleader in SR.No. 70800

TS/17.12.2015/3P-6C/NGM-SS/SAR - I

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