



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.13998 of 2015

G.Murugaiyan

... Petitioner

vs.

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

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust, Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing Respondents to pay pension and commutation of pension under TNSTCEPF rules to the petitioner with pension arrears from 01.02.15 together with 16% interest p.a. and thus render justice.

For Petitioner	: Mr.S.Arunachalam
For R - 1	: Mr.D.Sivaraman
For R - 2	: Mr.A.P.Muthupandian

ORDER

This Writ petition has been filed seeking a direction to pay pension and commutation of pension under TNSTCEPF Rules to the petitioner with pension arrears from 01.02.15 together with 16% interest per annum.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The learned counsel for the first respondent would submit that the order passed by the Labour Court for reinstatement and for awarding backwages was challenged by the Transport Corporation in WP(MD)NO.13120 of 2004 and the same was dismissed. Against which, Writ Appeal was filed and the same is pending in SR stage



from the year 2013. Therefore, it is contended that the Court may await for the orders to be passed in the Writ Appeal.

4. It is not known when the Writ Appeal will be taken on file. Therefore, the Court cannot indefinitely ask the petitioner to wait for getting the pension arrears which are to be paid from the date of his retirement. Therefore, the contention raised on the side of the first respondent is rejected.

5. 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.

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

(i) A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments.

(ii) The first installment shall commence by making payment on or before 1st week of January, 2017 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.

7. 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. Connected MP(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

+1 cc to M/s.A.Arunachalam, Advocate in SR.No. 68268

+1 cc to M/s.D.Sivaraman, Advocate in SR.No. 67814

CSL/SS-2/14.12.2016: 2P/3C