



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :09.06.2016
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.20465 of 2015

WEB COPY

S.Vellimuthu

.. Petitioner

vs.

1.The Management of
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
represented by its General Manager,
Karaikudi.

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

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to pay the petitioner all his terminal benefits namely Gratuity, Leave Salary, Benefit of Social Security Scheme and etc. together with 18% interest per annum and further directing 1st & 2nd respondents to pay him pension along with pension arrears from 01.03.2003 and pension commutation together with 18% interest per annum within a time frame as may be fixed by this court.

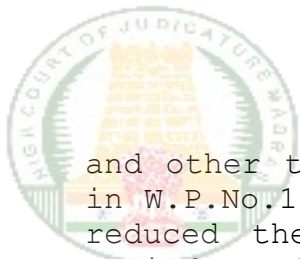
For Petitioner :Mr.S.Arunachalam
for RM.Sivakumar

For Respondents :Mr.D.Sivaraman

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus directing the first respondent to pay the petitioner all his terminal benefits namely Gratuity, Leave Salary, Benefit of Social Security Scheme and etc. together with 18% interest per annum and further directing 1st & 2nd respondents to pay him pension along with pension arrears from 01.03.2003 and pension commutation together with 18% interest per annum within a time frame as fixed by this court.

2. The petitioner who was appointed as Security Guard in the first respondent Corporation on 01.02.1980 was dismissed from service by the first respondent on 10.01.1998. Later on, the petitioner raised industrial dispute in I.D.No.146 of 2002 before the Labour Court. During the pendency of the industrial dispute, he reached the age of superannuation on 28.02.2003. It is also pleaded that the learned Judge, Madurai passed an award dated 25.06.2008 by modifying the order of dismissal treating the period of non-employment as simple leave and directed the first respondent to pay the gratuity



and other terminal benefits. As against the said order, a Writ Petition in W.P.No.11455 of 2010 was filed. This Court uphold the award, however reduced the backwages and other benefits during the non-employment period. Therefore, in this background, his prayer is that when the issue was come to an end, the petitioner is entitled to get his retired benefits. When his representation dated 28.04.2015 and 10.08.2015 have not been replied properly, he has come to the Court with this Writ Petition.

3.Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents and submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioner in the light of the judgment passed by the Honourable Division Bench.

4.For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

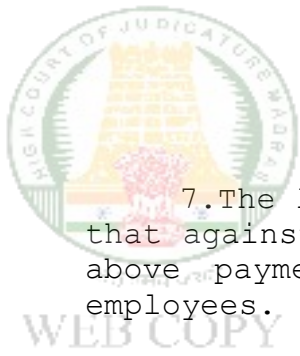
"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2.The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3.The installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

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 petitioner 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 could be 18% for the delayed period.

6.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 to.



7.The learned counsel for the respondents/Transport Corporation says that against certain employees, there are recoveries from them. So, the above payment may be made subject to recoveries, if any, from the employees. The petitioner is also agreeable for the same.

8.With the above direction, the writ petition stands disposed of. No costs.

Sd/
Assistant Registrar(W)

/TRUE COPY/

Sub Assistant Registrar

To

1.The General Manager,
Management of Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

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

+1cc to M/S.D.Sivaraman, Advocate in SR.No.29275

W.P. (MD) No.20465 of 2015
09.06.2016

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