



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.1028 of 2016

D.Kannan

... Petitioner

Vs.

1.The Management of
Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Rep. By its Managing Director,
Kumbakonam Region,
Kumbakonam.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.8,85,796/-- towards Gratuity and Rs.77,629/- towards leave salary and also arrears of wages for the period from 01.09.2013 to 31.08.2015 payable pursuant to new wage settlement, together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.1,60,482/- for the period from 31.08.2015 to 30.05.2016 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.3,35,610/- towards the pension commutation amount together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.D.Sivaraman

O R D E R

The petitioner was employed as Junior Tradesman in the respondent transport corporation and he retired from service on 31.08.2015 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.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.

4. 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 monthly installments.

(ii) The first installment shall commence by making payment on or before 10.03.2016 and the amount in each of the remaining installments shall be paid on or before 10th day 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.

5. 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.

6. The learned counsel for the respondent Corporation says that against certain employees, there are recoverables from them. So, the above payment may be made subject to recoverables from the employees. The petitioner is also agreeable for the same. No costs.

Sd/-

Assistant Registrar (Crl. side)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director, The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

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

+one cc to M/s. S. Arunachalam, Advocate in SR.No. 7179

+one cc to M/s. D. Sivaraman, Advocate in SR.No. 6931

CSL/SKS-RR/SAR-I/16.02.2016/2p/5c

W. P (MD) No. 1028 of 2016

04.02.2016