



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD)No.11208 of 2016

M.Amutha

.. Petitioner

vs.

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

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

.. Respondents

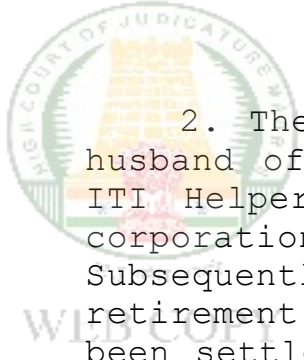
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits of the petitioner's husband late.S.Mariappan to the petitioner including gratuity, commuted value of pension and leave salary and monthly pension arrears and salary arrears of her husband from 01.09.2013 to 31.01.2014 in terms of Section 12(3) settlement dated 13.04.2015 together with interest at the rate of 18% per annum payable from the date of retirement of her husband from the service of the first respondent corporation to till date on which the above benefits are settled to the petitioner.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.A.P.Muthupandian

ORDER

The petitioner Mrs.M.Amutha, has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits of her husband late.S.Mariappan to her, including gratuity, commuted value of pension and leave salary and monthly pension arrears and salary arrears of her husband from 01.09.2013 to 31.01.2014 in terms of Section 12(3) settlement dated 13.04.2015 together with interest at the rate of 18% per annum, within a stipulated time.



2. The learned counsel for the petitioner submitted that the husband of the petitioner late.S.Mariappan, after serving as Non ITI Helper in the Reconditioning Unit of the first respondent corporation at Madurai Region, retired on 31.01.2014. Subsequently, he died on 31.01.2016 ie., within two years of his retirement. It is stated that his terminal benefits have not been settled. Therefore, the entire amount should be paid to the petitioner. The petitioner has also produced the Legal Heirship certificate issued by the competent authority showing that she is the legal heir and nominee of the deceased S.Mariappan.

3. When the matter is taken up for hearing, Mr.A.P.Muthupandian, learned Standing Counsel appearing for the respondents 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.

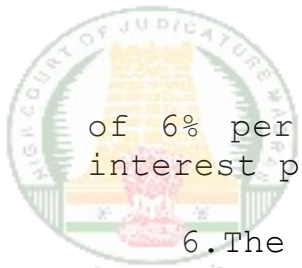
4. For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"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 August, 2016. Further, if there are ~~services rendered by the Corporation~~ towards, 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 petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, she is entitled to receive. Likewise, if the petitioner has any grievance that she is entitled to interest for the amount already settled, she can agitate the same as per law, if she 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(Records)

/True copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation(Madurai) Ltd.,
Madurai.

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

+1cc to Mr.A.Rahul, Advocate SR.No.32968

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W.P. (MD) No.11208 of 2016
24.06.2016