BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.11469 of 2016

S.Nagarajan .. Petitioner

vs.

The Tamil Nadu State Transport
Corporation (Madurai) Limited
Represented by its Managing Director
Madurai .. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to pay all the terminal benefits payable to the petitioner including Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.A.Jeyaram

ORDER

The petitioner was employed as a Senior Tradesman in the respondent transport corporation and he retired from service on 30.04.2012 on attaining superannuation.

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

3.When the matter is taken up for hearing, Mr.A.Jeyaram, learned Standing Counsel appearing for the respondent 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 respondent 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 respondent is directed to pay the amount due to the petitioner in 12 equal monthly installments commencing from 10th August, 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 respondent/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(CS-I)

/True copy/

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Limited,
Madurai.

Pm
CSL/GSV-PM/11.07.2016 : 3p/2c

W.P.(MD)No.11469 of 2016
28.06.2016