



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

WEB COPY

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THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD)No.17746 of 2016

K.Adhavan

.. Petitioner

Vs.

1. Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Rep. By its Managing Director,
Bye-pass Road, Madurai.

2. Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai.

3. The Administrator,
The Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay all terminal benefits amount payable to the petitioner including Foreman Promotion 3% fixation benefit with arrears from 12.08.2011 to 31.08.2013, gratuity, salary in terms of 12(3) settlement under Industrial Disputes Act, 1947, dated 13.04.2015 with effect from 01.09.2013 to 31.12.2013 unavailed leave salary, service surrender leave salary and dearness allowance arrears together with 18% interest from the date of retirement to till the date of payment and also 18% interest for the belated payment of commuted value of pension and all other attendant benefits to the petitioner within a stipulated time.

For Petitioner : Mr.A.Rahul
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

ORDER<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner was employed as Foreman in the respondent Corporation and he retired from service on 31.12.2013.



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 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 equal monthly installments;

ii) The first installment shall commence by making payment on or before First week of November, 2016, 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;

iv) 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.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai-625016.
2. Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye-pass Road, Madurai-625016.
3. The Administrator,
The Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai - 600 002.

+1cc to M/S.A.K.hangavelu, Advocate in SR.No.56485.