



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.18945 of 2016

WEB COPY

M.Manoharan

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, 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 settle payment of (a) payment of Gratuity Rs.1,90,038/- b) Earned Leave Rs.6,768/- c) Medical Leave and Old Medical Leave d) Payment of Commuted Value of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within a stipulated time.

For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

ORDER

The petitioner was employed as Helper in the respondents Corporation and he retired from service on 30.06.2016.

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 December, 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(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam,
Thanjavur District.
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Corporation (Kumbakonam) Ltd.,
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3. The Administrator,
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Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1 cc to Mr.N.Sudhagar Nagaraj, Advocate in SR No.59751

+1 cc to Mr.D.Sivaraman, Advocate in SR No.59070

rj2/anr/20.10.2016/2p/6c