



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.19102 of 2016

G.Balasubramanian

... Petitioner

vs.

1)The Management of
State Express Transport Corporation (Tamilnadu) Limited,
Rep. by its Managing Director,
Pallavan Salai,
Chennai - 2.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.3,45,352/- towards E.P.F. Employee's Contributions, Rs.32,779/- towards Leave Salary, Rs.42,000/- towards Social Security Scheme Benefit, Rs.4,360/- towards Refundable Deposits and Rs.77,574/- towards Balance of Gratuity and also arrears of wages for the period from 01.09.2013 to 30.04.2014 payable pursuant to new wage settlement dated 13.04.2015, together with 18% interest per annum, along with interest amounts towards the delay periods from 30.04.2014 to 19.11.2014 and 30.04.2014 to 22.12.2014 in paying the gratuity in parts as Rs.2,00,000/- and Rs.1,87,709/- respectively, at the rate as per Section 7(3-A) of the Payment of Gratuity Act and further directing the respondents to pay him Rs.1,91,662/- towards the Pension Commutation and arrears of pension for the period from 01.05.2014 by revising his pension together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. April, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.2016 in W.A.(MD) No.1457/2015 and etc., batch.

For Petitioner : Mr.S.Arunachalam

For 1st Respondent : Mr.K.Sathiya Singh,
Standing Counsel

For 2nd Respondent : Mr.A.P.Muthupandian,
Standing Counsel

O R D E R

The petitioner was employed as Helper in the 1st respondent Corporation and he retired from service on 30.04.2014, 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 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, this 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 the 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

/True Copy/

Sub-Assistant Registrar

To

The Administrator,

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

+One cc to Mr.S.Arunachalam, Advocate, SR.No.59900

+One cc to Mr.K.Sathiya Singh, Advocate, SR.No.59809

sj

RL/4C/2P/SK/SKN/19.10.2016

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