



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P (MD) No.19608 of 2016

A.Kannan

.. Petitioner

Vs.

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

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

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

(R3 Suo-motu impleaded by this Court
as per order dated 07.10.16)

.. 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 the entire terminal benefits payable to the petitioner including Gratuity, monthly pension arrears from June 2015 to October 2015 and leave salary together with interest at the rate of 18% p.a. from the date of his retirement to till the date of payment, within a stipulated time.

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

ORDER

The petitioner was employed as Special Grade Tradesman in the respondents Corporation and he retired from service on 31.05.2015.

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(C.O.,)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.
3. The Administrator,
The Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.

+1cc to M/s.A.Rahul, Advocate, in SR No.60514.

+1cc to M/s.D.Sivaraman, Advocate, in SR No.60503.