



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD)No.20069 of 2016

S.John

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
Tirunelveli Limited,
rep.by its Managing Director,
Tirunelveli .

2.The General Manager,
Tamil Nadu State Transport Corporation
Tirunelveli Limited,
Nagercoil Region,
Nagercoil.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the Respondents to pay entire eligible terminal benefits payable to the petitioner including Salary arrear in terms of settlement from 01.09.2013 to 31.05.2014 Earned and Medical Leave salary, Provident fund and Gratuity in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 together with interest at the rate of 18% per annum from the date of the petitioner's retirement to till the date of payment.

For Petitioner	: Mr.A.Rahul
For Respondents	: Mr.K.Sathiyasingh

O R D E R

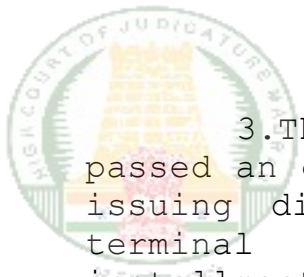
You can be young without money but you can't be old without it.

..Tennessee Williams

So pleads the petitioner, praying for disbursement of retirement benefits.

The petitioner was employed as Special Grade Server/Cleaner in the respondent corporation and he retired from service on 31.05.2014 on reaching the age of superannuation.

<https://hcservices.ecourt.gov.in/hcservices/> 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 12 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 1st 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.

5.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,The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited, Tirunelveli .

2.The General Manager, Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,Nagercoil Region, Nagercoil.

+1CC to M/S.K.Sathiya Singh,Advocate, SR.No. 61738

+1CC to M/S.A.Rahul, Advocate, SR.No. 62188

W.P(MD)No.20069 of 2016
19.10.2016