



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

Writ Petition (MD) No.20196 of 2016

A.S.Asokan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation, Tirunelveli Ltd.,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport
Corporation Tirunelveli Ltd.,
Ranithottam, Nagercoil 629 001,
Kanyakumari District.

3. The Managing Trustee,
Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity Leave salary Commuted Value of Pension Dearness Allowance arrears and all other attendant retirement benefits etc. with interest at the rate of not less than 18% from the date of retirement namely 31.01.2013 and pay the same to the petitioner within the time frame to be fix by this Court.

For Petitioner : Mr.N.S.Ramakrishna Dass
For Respondents : Mr.K.Sathya Singh

ORDER

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

The petitioner was employed as Special Driver in the respondent corporation and he retired from service on 31.01.2013 on reaching the age of superannuation.

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

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 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 (CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.N.S.RAMAKRISHNA DASS, ADVOCATE IN SR No.62853
+ 1 CC TO Mr.K.SATHYA SINGH, ADVOCATE IN SR No. 62525

MJ
TE/CK : 08/11/2016 : 2P/3C

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