



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.20245 of 2016

M.Geetharani

... Petitioner

vs.

1)The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2)The General Manager,
The Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.

3)The Institute of Road Transport,
Represented by its Director,
100 feet Road, Taramani,
Chennai-600 113

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to settle terminal benefits of the petitioner's husband Late J.Muthukrishnan to her including gratuity together with interest at the rate of 18% per annum payable from the date of death of her husband from the service of the 1st respondent corporation to till date on which the above benefits are settled to the petitioner.

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

ORDER

The petitioner's husband was employed as Driving Instructor in the respondents Corporation and he died on 03.02.2013 while in service.

2.Seeking for a direction to the respondents to pay the retirement benefits of her husband, the wife of the employee has filed this writ petition.



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) Considering the submission of the learned counsel for the petitioner that the petitioner is a widow waiting for three years for disbursement of her husband's retirement benefits, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner's husband that are yet to be settled, in six 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 petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, her husband is entitled to receive. Likewise, if the petitioner has any grievance that her husband is entitled to interest for the amount already settled, she can agitate the same as per law, if her husband is entitled. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 62900
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 62772

NBI

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

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