



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2016

CORAM :

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P (MD) No.20283 of 2016

K.Arumugam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road, Kumbakonam,
Thanjavur District.

2.The General Manager,
The Tamil Nadu State Transport
Corporation, (Kumbakonam) Limited,
Periyamilaguparai, Trichy.

3.The Administrator,
Tamil Nadu State Transport Corporation employee 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 a. Payment of Gratuity - Rs. 2 49 831/- b. Earned Leave - Rs.20 369/- c.Medical Leave - Rs. 5 580/- d. Payment of Commuted Value of Pension e. Employees Retirement Benefit scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For RR - 1 & 2 : Mr.D.Sivaraman

For R - 3 : Mr.A.P.Muthupandian

O R D E RYou can be young without money but you can't be old without it...Tennessee Williams

The petitioner was employed as Senior Driver in the respondent corporation and he retired from service on 31.03.2015 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 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-I)

/True Copy/

Sub Assistant Registrar

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+1CC to Mr.N.Sudhagar Nagaraj, Advocate Sr.No.63186

+1CC to Mr.D.Sivaraman, Advocate Sr.No.62780

SMA/SKS/RR/24.11.16-2p-3C

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