



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2016

CORAM :

**THE HON'BLE Dr.JUSTICE S.VIMALA**

W.P (MD) No.20391 of 2016

and

WMP (MD) No.14587 of 2016

P.Vijayapandian

... Petitioner

Vs.

1.Tamil Nadu State Transport  
Corporation (Madurai) Ltd.,  
rep.by its Managing Director,  
Bye Pass Road,  
Madurai - 10.

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

3.The Branch Manager,  
Tamil Nadu State Transport  
Corporation (Madurai) Ltd.,  
Srivilliputhur Branch,  
Virudhunagar.

4.The Administrator,  
Tamil Nadu State Transport  
Corporation Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai,  
Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 2nd Respondent in Ref.No. Tha.Aa.Po.Ka./Virudhu/Nirvagam / A1/320/2016 Virudhunagar Region : Administrative Department dated 30.09.2016 quash the same as illegal and arbitrary and consequently direct the respondents to settle the petitioner's services including gratuity commuted value of pension provident fund earned leave salary, monthly pension, social



security scheme amount, refund of the contribution made to medical, engineering and polytechnic colleges and institute of road transport annum.

For Petitioner : Mr.A.Rahul  
For Respondents : Mr.A.P.Muthupandi

O R D E R

This writ petition has been filed, challenging the order passed by the second respondent dated 30.09.2016 and to quash the same as illegal and arbitrary and to give a direction to the respondents to settle the petitioner's terminal benefits.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel, who takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the stage of admission.

3.The petitioner was employed as a Driver in the respondent Corporation and he retired from service on 30.09.2016 on reaching the age of superannuation. During service, the petitioner has availed medical leave from 27.11.2010 to 03.12.2010. But the said medical leave period was recorded as absent by the third respondent.

4.The impugned order dated 30.09.2016 reads that as WP(MD) No.2748 of 2011 is pending before this Court, the request of retirement benefits can be considered only after the disposal of the said Writ Petition.

5.When the learned counsel appearing on both sides are heard regarding the grounds on which WP(MD)No.2748 of 2011 is pending, the learned counsel for the petitioner would submit that the Writ petition is the one challenging the order passed by the respondents, treating the leave applied for six days on medical grounds as a leave on loss of pay.

6.It is seen from the records that salary for six days has already been deducted from the salary of the petitioner and therefore, pendency of WP(MD)No.2748 of 2011 will not have any impact upon the disbursement of the retirement benefits.

7.Therefore, 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.

<https://hcservices.ecourts.gov.in/HCServices/> The first installment shall commence by making payment on or before 1<sup>st</sup> week of December, 2016 and the amount in each of the remaining installments shall be paid on or before 10<sup>th</sup> 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.

8. 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. Consequently, WMP(MD)No.14587 of 2016 is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

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TO

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Madurai) Ltd.,  
Bye Pass Road, Madurai - 10.

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

3. The Branch Manager,  
Tamil Nadu State Transport Corporation (Madurai) Ltd.,  
Srivilliputhur Branch, Virudhunagar.

4. The Administrator,  
Tamil Nadu State Transport Corporation Pension Fund Trust,  
Thiruvalluvar Illam, Pallavan Salai,  
Chennai - 2.

+1cc to Mr.A.Rahul Advocate Sr.No. 63123

JAM/18.11.16/CK/3p-6c

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24.10.2016