



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P (MD) No.20697 of 2016

V.S.Shanmugaraj

: Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to settle the petitioner's retirement benefits, including leave salary, post retirement benefit scheme arrears, dearness allowance arrears, and all other attendant retirement benefits etc. with interest at the rate of not less than 12% per annum from the date of retirement and further directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits including the commuted value of pension, gratuity and other emoluments etc., to the petitioner payable from the date of retirement i.e., 30.06.2016 to till date of actual payment within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.K.Sathiya Singh

ORDER

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

..Tennessee Williams

The petitioner was employed as Senior Trademan in the respondent Corporation and he retired from service on 30.06.2016 on reaching the age of superannuation.

2.He has filed this writ petition seeking for a direction to the respondent 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 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) 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 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 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 (Crl.)

/True copy/

Sub Assistant Registrar

To
The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1 CC to Mr.N.SATHISH BABU, Advocate, SR No.63933

+1 CC to Mr.K.SATHIYA SINGH, Advocate, SR No.64282

smn

SH/SKS-RR:17.11.2016:2P/4C

**ORDER MADE IN
W.P(MD)No.20697 of 2016**