



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

CORAM:

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

W.P (MD) No.20926 of 2016

A.Saraswathi

: Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.
rep. by its Managing Director, Kumbakonam.

2.The General Manager
The Tamil Nadu State Transport
Corporation(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay entire eligible terminal benefits payable to the petitioner including Provident Fund Gratuity Surrender Leave salary of 101 days for the years 2009 to 2016 Medical Leave Salary and Earned Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman

O R D E R

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

..Tennessee Williams

The petitioner was employed as Canteen Cleaner in the respondent Corporation and he retired from service on 31.07.2016 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 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 January, 2017 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(CSII)

/True Copy/

Sub Assistant Registrar

smn

TO

1. The Managing Director,
Kumbakonam State Transport
Corporation (Kumbakonam) Ltd.
Kumbakonam.



2.The General Manager
The Tamil Nadu State Transport
Corporation(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

+1cc to Mr.A.Rahul Advocate Sr.No. 64811

+1cc to Mr.D.Sivaraman Advocate Sr.No. 65029

JAM/11.11.16/GSV-PM/ 3p-5c

ORDER MADE IN
W.P (MD) No. 20926 of 2016
01.11.2016