



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA****W.P (MD) No.20940 of 2016**

K.Gunasekaran

: Petitioner

Vs.

1.The Management of Tamil Nadu State
Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam Region
rep. by its General Manager,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.5,00,820/- towards gratuity and Rs.1,03,376/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.05.2015 payable pursuant new wage settlement together with 18% interest per annum along with interest amounts towards the delays in paying EPF Employees Contribution amount Rs.2,65,456/- for the period from 31.05.2015 at the rate as per EPF Scheme and also in paying the Employees Social Security Scheme benefit amount Rs.50,000/- for the period from 31.05.2015 to the realization of the amount at 18% p.a. and further directing the respondents to pay to the petitioner Rs.2,80,000/- towards the pension commutation amount and arrears of pension for the period from 31.05.2015 by revising pension and the college share amount of Rs.4,500/- together with 18% interest per annum, after calculating all terminal/pension benefits based on the monthly wages payable to the petitioner on the month of petitioner's retirement I.e., May, 2015 by revising the same as per the settlement dated 13.04.15, as ordered by the Division bench of this Court in its order dated 29.01.2016 in W.A(MD)No.1457/15 and etc. batch.

For Petitioner : Mr.V.Anand

<https://hcservices.ecourts.gov.in/hcservices/> For Respondent No.1 : Mr.D.Sivaraman

For Respondent No.2 : Mr.A.P.Muthupandian

**ORDER**

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

..Tennessee Williams

The petitioner was employed as Driver in the respondent Corporation and he retired from service on 31.05.2015 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 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.

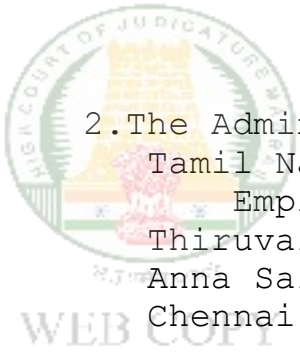
Sd/-

Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar

1.The General Manager,
Management of Tamil Nadu State
Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam Region



2.The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

+1 cc to M/s.V.Anand, Advocate in SR.No.64868
+1 cc to M/s.D.Sivaraman, Advocate in SR.No.65032

smn
CSL/DB/SAR-I/08.11.2016: 3P/5C

W.P(MD)No.20940 of 2016
01.11.2016