



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21078 of 2016

K.Subramanian

... Petitioner

vs.

1) The Managing Director,
The Tamil Nadu State Transport Corporation (CBE) Ltd.,
Mettupalayam Road, Coimbatore-641 043.

2) The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Division, Sennimalai Salai,
Erode District-638 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents by considering the petitioner's representation dated 27.10.2016 to release his 'Terminal Benefits' with interest 1. Gratuity, 2. Earn Leave Surrender Amount, 3. DA Arrears, 4. Commutation, 5. ERBS benefit amount 6. SSS Amount and other pay settlement benefit amount as he got retired on superannuation on 31.05.2014, with reference to Pa.En.1074/B2/Pab2/ TNSTC/Kovai/Ema/2014 dated 28.05.2014 (Staff No: 87TS2J13053), within a stipulated time fixed by this Hon'ble High Court.

For Petitioner : Mr.C.Masilamani

For Respondents : Mr.K.Sathiya Singh

ORDER

The petitioner was employed as Senior Checking Inspector in the respondents Corporation and he retired from service on 31.05.2014, 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 10th 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(Record)

/True copy/

Sub Assistant Registrar

To

1) The Managing Director,
The Tamil Nadu State Transport Corporation (CBE) Ltd.,
Mettupalayam Road, Coimbatore-641 043.

2) The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Division, Sennimalai Salai,
Erode District-638 001.

+1cc to Mr.C.Masilamani, Advocate SR.No.66878

+1cc to Mr.K.Sathiyasingh, Advocate SR.No.65695

nbi

sm:KM:15/11/2016:2P/5C

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