



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.21135 of 2016

S.Govindaraj

... Petitioner

vs.

1)The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli District.

2)The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region, Kanyakumari District.

3)The Branch Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Thiruvattar,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to disburse the petitioner's retirement benefits that is his Earned Leave benefits along with 18% interest from 31.05.2012 till the date of realization by considering the representation of the petitioner dated 17.10.2016.

For Petitioner : Mr.G.V.Selvan

For Respondents : Mr.K.Sathiya Singh

ORDER

The petitioner was employed as Foreman in the respondents Corporation and he retired from service on 31.05.2012, 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 (CS-I)

/True copy/

Sub Assistant Registrar

To

+1 cc to M/s.G.V.Selvan, Advocate in SR.No. 66585

+1 cc to M/s.K.Sathiya Singh, Advocate in SR.No. 65701

nbi

CSL/SS-2/22.11.2016: 2P/3C

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