



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.2144 of 2016

WEB COPY

V.Paulraj

...Petitioner

Vs.

1.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai 625 016.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai 625 016.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle the terminal benefits such as pension, gratuity, employees benefits relief fund and other retirement benefits along with 18% interest from the date of retirement on 05.04.2012 within the time stipulated by this Court.

For Petitioner	: Mr.M.Kannan
For Respondents	: Mr.A.P.Muthupandian Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.A.P.Muthupandian, learned Standing Counsel, who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

2.The petitioner was employed as Conductor in the respondent transport corporation and he was dismissed from service on 30.07.2003. As against the order of dismissal, the petitioner has approached the Labour Court, Madurai in I.D.No.118 of 2004. The Labour Court by an award dated 29.06.2004 directed the respondent Corporation to reinstate the petitioner into service with continuity of service but without backwages.

3.According to the petitioner, as against the award of the Labour Court, the management has filed a writ petition in W.P(MD)No.8548 of 2012 and the same is pending. In the meantime, the petitioner has ~~services rendered while in service~~ attained the age of superannuation and retired from service on 05.04.2012.



4.He has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

5.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 12 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.

6.In view of the aforesaid Division Bench judgment, the transport corporations ought to have settled the terminal benefits of its employees on its own, without driving them to file individual writ petitions. But the transport corporations have not done so and a large number of writ petitions are filed every day.

7.In these circumstances, this Court has evolved a formulae in issuing direction to pay the terminal benefits in twelve equal monthly installments to the persons who retired in 2015; nine equal monthly installments to the persons who retired in 2014; six equal monthly installments to the persons who retired in 2013 and five equal monthly installments to the persons who retired before 2013. This Court has also issued direction to pay interest as per the direction of the First Bench of this Court referred to above.

8.In these circumstances, the writ petition is disposed of with the following directions:-

"(i)Taking into account the fact that the petitioner retired in 2012, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in equal five monthly installments.

(ii)The first installment shall commence by making payment on or before 10.02.2016 and the amount in each of the remaining installments shall be paid on or before 10th day 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 above payment shall be made and recoverable from the petitioner subject to outcome of the writ petition in W.P(MD) No.8548 of 2012 filed by the management.

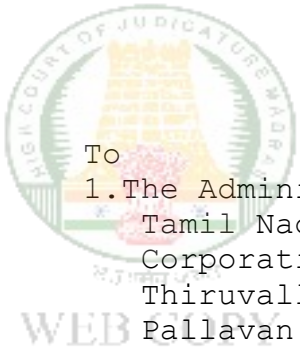
9.The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.



To

1.The Administrator,
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+1cc to M/s.M.Kannan, Advocate in SR.6666

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sms

PBK/JGB-DP 04/02/2016 ::3P-5C::