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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P(MD)No. 21906 of 2016

Ambrose

: Petitioner

Vs.

1.The Managing Director,
Tamil Nadu state Transport Corporation Tirunelveli Ltd,
Tirunelveli.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Ranithottam,
Nagercoil - 629001.
Kanyakumari District.

3.The Managing Trustee,
Tamil Nadu State Transport Corporation
Employees' Pension Fund trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002

: 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 settle the petitioner's retirement benefits including Gratuity, Provident Fund, Leave salary, Dearness Allowance arrears and all other attendant retirement Benefits etc. with interest at the rate of not less than 18% from the date of retirement namely 29-02-2016 and pay the same to the petitioner.

For Petitioner : Mr.N.S.Ramakrishna Dass

For Respondent 1 to 3 : Mr.K.Sathiya Singh

O R D E R

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

..Tennessee Williams

So pleads the petitioner, praying for disbursement of retirement benefits.

2.The petitioner was employed as Senior Driver in the respondent Corporation and he retired from service on 29.02.2016 on reaching the age of superannuation.



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

4. 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.

5. 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

/True Copy/

Sub Assistant Registrar

To

1cc to M/S.N.S.Ramakrishna Dass, Advocate in SR No.69970

1cc to M/S.K.Sathya Singh, Advocate in SR No.69578

W.P(MD) No. 21906 of 2016

SMN

ANR/GSV-PM/05.12.2016/2P/3C