



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21945 of 2016

M.Karthikaisamy

... Petitioner

vs.

1) The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
New Railway Station Road,
Kumbakonam, Thanjavur District.

2) The General Manager,
The Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

3) The Administrator,
The Tamilnadu State Transport Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Commutation, Gratuity, Leave Salary and Provident Fund etc., with interest at the rate of not less than 10% from the date when the same became due i.e., from 30.06.2013 till the date of actual payment to him within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Santhanam Rajeshkumar
For R1 & R2 : Mr.D.Sivaraman
For R3 : Mr.A.P.Muthupandian

ORDER

The petitioner was employed as a Driver in the respondent Corporation and he retired from service on 30.06.2013 on reaching the age of superannuation.

<https://hcservices.courts.gov.in/hcservices/>
The petitioner 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, the 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 (CRL)

/True Copy/

Sub Assistant Registrar

nbi

To,

1)The Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Rep. by its Managing Director,
New Regd. Office, Station Road,
Kumbakonam, Thanjavur District.



2) The General Manager,
The Tamilnadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

3) The Administrator,
The Tamilnadu State Transport Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

+1CC to Mr.B.Santhanam Rajeshkumar, Advocate Sr.No.69843

+1CC to Mr.D.Sivaraman, Advocate Sr.No.70040

GJM/PV/5.12.16-3P-6c

W.P (MD) No.21945 of 2016
16.11.2016