



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22018 of 2016

K.Sundaram

... Petitioner

vs.

1.The Management of State Express Transport
Corporation (Tamilnadu) Ltd.,
rep.by its Managing Director,
Pallavan Salai, Chennai - 2.

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.5,12,388/- towards E.P.F.Employees Contributions Rs.2,75,314/- towards Leave Salary Rs.50,000/- towards Social Security Scheme benefit Rs.4,360/- towards refundable deposits and Rs.53,498/- towards balance of gratuity together with 18% interest per annum along with interest amounts towards the delay periods from 31.07.14 to 20.5.15 and 31.07.14 to 19.06.15 in paying the parts of the gratuity as Rs.3,50,000/- and Rs.2,32,577/- respectively at the rate as per section 7(3A) of the Payment of Gratuity Act and further directing the respondents to pay him Rs.2,70,216/- towards the pension commutation amount and arrears of pension for the period from 01.08.2014 by revising his pension together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e, July 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in the order dated 29.01.2016 in WA(MD)No.1457/15 etc., batch.

For Petitioner : Mr.S.Arunachalam

For R - 1 : Mr.K.Sathiyasingh

For R - 2 : Mr.A.P.Muthupandian

ORDER

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.

The petitioner was employed as Selection Grade Senior Grade Tradesman in the respondent corporation and he retired from service on 31.07.2014 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 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.

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 1st 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.

5.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(T&P)

/True Copy/

Sub Assistant Registrar.



To

1.The Managing Director,
The Management of State Express Transport
Corporation (Tamilnadu) Ltd.,
Pallavan Salai, Chennai - 2.

2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1CC to M/S.K.Sathiyasingh, Advocate, SR.No. 70309

+1CC to M/S.S.Arunachalam, Advocate, SR.No. 70394

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AM/SK SKN/08.12.2016/3P/5C