



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22375 of 2016

C.Iyavarasu

...Petitioner

-vs-

1.Tamil Nadu State Transport
Corporation (Tirunelveli) Ltd,
Represented by its Managing director,
Tirunelveli.

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to settle petitioner retirement benefits including Gratuity Provident Fund Earned Leave Salary with enhanced dearness allowance fixed by the Government of Tamil Nadu and dearness allowance arrears on his monthly pension as revised and increased from time to time together with interest at the rate of 18% per annum from the date of the petitioner retirement to till the date of settlement within the time may be stipulated by this Honble Court.

For Petitioner

: Mr.S.Sivanesan

For Respondents

: 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. The petitioner was employed as Tradesman Special in the respondent corporation and he got voluntary retirement on 30.09.2014.

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(CO)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Managing director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd,
Tirunelveli.

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

+1cc to M/s.K.Sathiya Singh, Advocate in SR.71961

+1cc to M/s.S.Sivanesan, Advocate in SR.71942

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mj

PBK/GSV-PM 14/12/2016 ::2P-5C: