



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.2274 of 2016

N.Dharmar

... Petitioner

Vs.

1.The Principal Secretary cum
Chairman of State Transport Undertaking,
Transport Department,
Fort St., George, Chennai.

2.The Tamil Nadu State Transport Corporation,
Madurai Ltd.,
Rep by its Managing Director, Madurai.

3.The Tamil Nadu State Transport Corporation,
Madurai Division,
Rep by its General Manager, Madurai.

4.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Madurai Region, Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle petitioner retirement benefits including Gratuity and Leave Salary with all other attendant benefits along with interest at the rate of 18% per annum within the time after re-fixing petitioner's salary in the post of Senior Grade Driving Instructor by considering petitioner's representation dated 18.01.2016.

For Petitioner : Mr.K.Viralinathan
For 1st Respondent : Mr.T.R.Janarthanam,
Additional Government Pleader.
For Respondents 2to4 : Mr.A.P.Muthupandian
Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner. Mr.T.R.Janarthanam, learned Additional Government Pleader, takes notice for the first respondent and Mr.A.P.Muthupandian, learned Standing Counsel, takes notice on behalf of the respondents 2 and 3. By consent of the parties, the writ petition itself is taken up for final disposal at the stage of admission.

2.The petitioner was employed as Driver in the respondent



transport corporation and further he was promoted as Driving Instructor and he retired from service on 30.11.2012 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 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.

5. 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.

6. 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.

7. 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 five equal monthly installments. If the petitioner is eligible, he may be paid at the refixed salary.

(ii) The first installment shall commence by making payment on or before 10.03.2016 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".

8. 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(AS)

/True copy/

Sub Assistant Registrar

To

- 1.The Principal Secretary cum
Chairman of State Transport Undertaking,
Transport Department,
Fort St., George, Chennai.
- 2.The Managing Director,
The Tamil Nadu State Transport Corporation Madurai Ltd.,
Madurai.
- 3.The General Manager, The Tamil Nadu State Transport Corporation,
Madurai Division, Madurai.
- 4.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Madurai Region, Madurai.

+one cc to M/s.K.Viralinathan, Advocate in SR.No.7060
+one cc to The Special Government Pleader in SR.No. 7106

CSL/SKS-RR/SAR-I/16.02.2016/2p/7c

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