



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM :

WEB COPY

THE HONOURABLE DR. JUSTICE S. VIMALA

W.P(MD)No.22883 of 2016

S.Jayaseelan

... 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,
Bye Pass Road, Madurai.

3.The Finance Controller cum Chief
Accounts Officer,
TNSTC Madurai Ltd.,
Madurai - 625 010.

... 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 petitioner's retirements benefits including Gratuity, unavailed leave salary and payment for leave on private affairs with all other attendant benefits along with interest at the rate of 18% per annum within the time that may be stipulated by this Court.

For Petitioner : Mr.K.Viralinathan
For R - 1 : Mr.T.S.Mohammed Mohideen
For RR - 2 & 3 : Mr.A.Jeyaram

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 Assistant Manager (Legal) in the respondent corporation and he retired from service on 30.09.2013 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(Records)

/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,

Tamil Nadu State Transport Corporation (Madurai) Ltd.,

Bye Pass Road, Madurai.

3.The Finance Controller cum Chief Accounts Officer,

TNSTC Madurai Ltd., Madurai - 625 010.

+1 cc to M/s.K.Viralinathan, Advocate in SR.No. 74572

mj

CSL/PV/20.12.2016: 2P/5C

W.P (MD) No.22883 of 2016

30.11.2016