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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.22921 of 2016

P.Nagarajan

... 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.3,87,328/- towards E.P.F. Employees Contributions Rs.1,64,134/- towards Leave Salary Rs.50,000/- towards Social Security Scheme benefit Rs.4,360/- towards refundable deposits and also arrears of wages for the period from 01.09.13 to 31.07.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,27,222/- 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 dated 29.01.2016 in WA(MD)No.1457/2015 and etc., batch.

For Petitioner	: Mr.K.K.Samy
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.

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner was employed as Special Grade Driver in the respondent corporation and he retired from service on 31.05.2015



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(Crl.Side)

/True Copy/

Sub Assistant Registrar

mj

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.

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+1cc to Mr.K.K.Samy Advocate Sr.No. 74314
+1cc to Mr.K.Sathiyasingh Advocate Sr.No. 74728

JAM/16.12.16/KM/3p-5c

W.P (MD) No.22921 of 2016
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