



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.23173 of 2016

M.Viswanathan

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (CBE) Ltd.,
Mettupalayam Road, Coimbatore - 641 043.

2.The General Manager,
Tamilnadu State Transport Corporation (CBE) Ltd.,
Erode Division, Sennimalai Road,
Erode - 638 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the Respondents by considering petitioner's representation dated 14.11.2016 to release petitioners Terminal Benefits with interest 1.Gratuity 2. PF Amount 3.Earn Leave Surrender Amount 4.DA Arrears 5.ERBS benefit amount 6.SSS Amount and other pay settlement benefit amount as he got retired on superannuation on 31.08.2015 with reference to Pa.En.1997/B2/PaPi2/TNSTC/Kovai/Ema/2015 dated 24.08/2015 (Staff No.85CR2J05279) within a stipulated time fixed by this Court.

For Petitioner : M/s.J.Lakshmi Prasanna

For Respondents : Mr.K.Sathiyasingh

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 Special Grade Conductor in the respondent corporation and he retired from service on 31.08.2015 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(CS-I)

/True copy/

Sub Assistant Registrar

To

+1 cc to M/s.J.Lakshmi Prasanna, Advocate in SR.No.78219

+1 cc to M/s.K.Sathiya Singh, Advocate in SR.No.78941

mj

CSL/SKS-RR/16.12.2016: 2P/3C

W.P(MD)No.23173 of 2016

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