



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2016

CORAM :

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)No.233 of 2016

P.Kanakaraju

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. By its Secretary to Government
Transport Department and
Chairman of Board of Directors
of State Transport Undertakings,
Fort St. George, Chennai-9.
2. The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
3. The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Trichy Division,
Trichy.
4. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pay entire terminal benefits payable to the petitioner including salary arrears in terms of settlement under Section 12(3) of the Industrial Disputes Act, dated 13.04.2015, provident fund, gratuity, the commuted value of pension, leave salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents: Mr.T.R.Janardhanan, A.G.P. For R1
D.Sivaraman, RR2 to 4



ORDER

The petitioner was employed as Conductor in the respondent corporation and he retired from service on 30.06.2015 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.A counter affidavit is filed. In paragraph 3 of the counter affidavit, the details of the amount settled as well as the amount due to the petitioner towards the terminal benefits is given. The same is extracted hereunder:-

Sl. No	Details of the Retirement benefits	Settled Amount	Settled on	To be settled
1	Provident Fund	255833.00	23.05.2015	
2	Commutation			212356.00
3	Gratuity			487082.00
4	Leave Salary			108986.00
5	ESPS	42725.00	11.09.2015	
6	IRT refund	4500.00	11.09.2015	
	Total			808424.00

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.

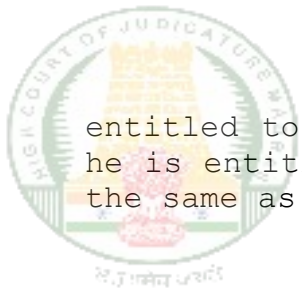
5.In these circumstances, the writ petition is disposed of with the following directions:-

(i)A direction is issued to the transport corporation to settle the eligible terminal benefits of the petitioner that are yet to be settled as per paragraph 3 of the counter affidavit, in twelve equal monthly installments.

(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 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.

<https://hcservices.court.gov.in/hcservices> The said 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



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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 (W)

/True Copy/

Sub Assistant Registrar

To

The Secretary to Government,
State of Tamil Nadu
Transport Department and
Chairman of Board of Directors
of State Transport Undertakings,
Fort St. George, Chennai - 9.

+ 1 CC TO MR.A.RAHUL, ADVOCATE IN SR NO.5826/16

+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE IN SR NO. 6027/16

ARUL

TE/MPA/ : 24/02/2016 : 3P/4C

W.P (MD) No.233 of 2016
28.01.2016