



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23892 of 2016

K.Perumpadayan

... Petitioner

vs.

1)The Managing Director,
Tamil Nadu State Transport Corporation,
KTC Nagar, Palayamkottai main road.
Tirunelveli Zone, Tirunelveli-627011.

2)The General Manager,
Tamil Nadu State Transport Corporation (Tuticorin) Ltd.,
Tuticorin Zone, Tuticorin District.

3)The Branch Manager(Administration),
Tamil Nadu State Transport Corporation Ltd.,
Tuticorin Region, Tuticorin,
Tuticorin District

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to pay the retirement benefit of the petitioner such as Commutation, Gratuity, Provident fund, Leave Salary etc together with 18% interest per annum besides interest amount towards the delayed payment of gratuity as per Section 7(3A) of the Payment of Gratuity Act and further directing the respondents to pay interest amount towards the delayed payment of pension commutation at the rate of 18% interest within the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.P.Kanagaraj
For Respondents : Mr.K.Sathiyasingh

ORDER

The petitioner was employed as a driver in the respondents Corporation and he retired from service on 30.06.2014 on attaining 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 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 instalments.

4.In these circumstances, this 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 instalments;

ii)The first installment shall commence by making payment on or before the 10th February 2017 and the amount in each of the remaining instalments 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 instalments, the interest payable could be 18% for the delayed period;

iv) 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-II)

/True Copy/

Sub Assistant Registrar.

To

1)The Managing Director, Tamil Nadu State Transport Corporation,
KTC Nagar, Palayamkottai main road, Tirunelveli Zone,
Tirunelveli-627011.

2)The General Manager,Tamil Nadu State Transport Corporation
(Tuticorin) Ltd.,Tuticorin Zone, Tuticorin District.

3)The Branch Manager(Administration), Tamil Nadu State Transport
Corporation Ltd.,Tuticorin Region, Tuticorin,Tuticorin District
+1CC to M/S.K.Sathiya Singh, Advocate, SR.No. 81046
+1CC to M/S.B.Baskar, Advocate, SR.No. 80841

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