



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.23969 of 2016

S.Sellappan

... Petitioner

vs.

- 1) The Managing Director,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli-627 011.
- 2) The General Manager,
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Kattabomman Nagar, Tirunelveli-627 011.
- 3) The Administrator,
Tamil Nadu State Transport Corporation Employees'
Provident Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai-600 002.
- 4) The Deputy Manager (Wages),
Tamilnadu State Transport Corporation (Tirunelveli) Ltd.,
Nagercoil Region,
Kanyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay all the retirement benefits viz., voluntary retirement compensation benefit, gratuity, Provident Fund, Leave Salary with 18% interest per annum for other benefits etc., immediately.

For Petitioner : Mr.P.M.Vishnuvarthanan
For R1, R2 & R4 : Mr.K.Sathiyasingh

ORDER

Mr.Selva Gomathi Kumar, General Manager, in-charge of the transport corporation in respect of three Regions namely, Tirunelveli, Tuticorin and Kanyakumari, who is present before this Court, has stated that Mr.K.Sathiyasingh is the standing counsel representing the transport corporation in respect of the abovesaid regions. The said statement is placed on record.



The petitioner was employed as a driver in the respondents Corporation and he voluntarily retired from service on 30.04.2014.

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 instalment 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/-

Deputy Registrar

/True Copy/

Sub Assistant Registrar

nbi

+1CC to Mr.P.M.Vishnu Varthanan, Advocate Sr.No.80776

+1CC to Mr.K.Sathiya Singh, Standing Counsel Sr.No.81053

GJM/SKS/RR/2.1.17-2p-3C

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