BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.24190 of 2016

U.Mariraj ... Petitioner

Vs.

1.The Managing Director,
State Express Transport Corporation (T.N.) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai.

2.The Administrator,
The Tamil Nadu state Transport Corporation/Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai-600 002. ... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to settle the Petitioners terminal benefits including Pension Commutation Leave Surrender Encashment Social Security Scheme Educational Institution Contribution together with 18% interest per annum from the date of retirement of the petitioner ie. on 30.09.2015.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.K.Sathiya singh For R1
For R2 : Mr.A.P.Muthupandian

O R D E R

The petitioner has filed this Writ petition seeking for a direction to the respondents to pay the retirement dues.

2.The petitioner was employed in the respondent Corporation and on reaching the age of superannuation, the petitioner retired from service.

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 respondent / 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 February, 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 at 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, the petitioner is entitled to receive. Likewise, if the petitioner has any grievance that the petitioner is entitled to interest for the amount already settled, he can agitate the same as per law, if the petitioner is entitled. No costs.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
State Express Transport Corporation (T.N.) Ltd.,
Thiruvalluvar Illam,
Pallavan Salai, Chennai.

2.The Administrator,
The Tamil Nadu state Transport Corporation/Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,Chennai-600 002.

+1cc to Mr.K.Sathiya Singh, Advocate,SR.No.81218
+1cc to Mr.M.Kannan, Advocate,SR.No.81366

W.P.(MD)No.24190 of 2016
16.12.2016

sbi
MK-KM/24.1.2017/2p/5c