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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.12.2016
CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.24415 of 2016

C.Sivaraman ... Petitioner

vs.

1.The Managing Director
Tamilnadu State Transport Corporation Tirunelveli Ltd,
Tirunelveli.

2.The General Manager,
Tamilnadu State Transport Corporation Tirunelveli Ltd,
Ranithottam, Nagercoil – 629001,
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 settle the petitioner's retirement benefits including leave salary, Dearness Allowance arrears and all other attendant retirement benefits etc., with interest at the rate of not less than 18% from the date of retirement namely 31.05.2011 and pay the same to the petitioner within the time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.N.S.Ramakrishna Dass
For Respondents : Mr.K.Sathiya Singh

ORDER

The petitioner was employed as Senior Conductor in the respondents Corporation and he retired from service on 31.05.2011 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 instalments 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 instalment.

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

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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(AE)

/True Copy/

Sub Assistant Registrar

To

+1cc to Mr.K.Sathiya Singh,Advocate Sr.No.82394
+1cc to Mr.N.S.Ramakrishna Dass,Advocate Sr.No.82342

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