



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.24519 of 2016

Periyapillai @ Kanniyammal

... Petitioner

vs.

1)The Managing Director,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam, Thanjavur District.

2)The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

3)The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund
Trust, Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... 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 a. Monthly Family Pension b. Payment of Gratuity- Rs. 1,28,520/- c. Earned Leave- Rs. 13,419/- + Rs. 445/- (Incentive) /- d. Medical Leave e. Payment of Commuted Value of Pension f. Dearness Allowance g. Institute of Road and Transport Technology (IRTT) Fund h. Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within a time frame that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For R1 & R2	: Mr.D.Sivaraman
For R3	: Mr.A.P.Muthupandian

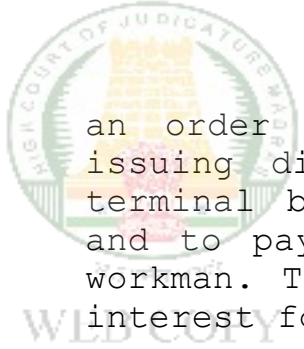
ORDER

The petitioner's husband was employed as Scavenger in the respondents Corporation and he died on 26.06.2015 while in service.

2.The petitioner has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits payable to her husband.

<https://hcservices.ecourts.gov.in/hcservices/>

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:-

i)A direction is issued to the transport corporation to settle the terminal benefits of the petitioner's husband 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 petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, her husband is entitled to receive. Likewise, if the petitioner has any grievance that her husband is entitled to interest for the amount already settled, she can agitate the same as per law, if her husband is entitled. No costs.

Sd/-

Assistant Registrar (crl side)

/True Copy/

Sub Assistant Registrar/-

To

1)The Managing Director,
<https://hcservices.ecourts.gov.in/hcservices/>
 The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
 Railway Station Road, Kumbakonam, Thanjavur District.



2) The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

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Chennai - 600 002.

+1 CC TO Mr.D.Sivaraman , ADVOCATE IN SR No. 82593
+1 CC TO Mr.N.Sudhagar Nagaraj , ADVOCATE IN SR No.82508

nbi
JS/06/01/2017/SS 2/3p-6c

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