



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.3439 of 2016

K.Thiyagarajan

... Petitioner

Vs.

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

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

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay Gratuity Pension Commutation and Leave Salary with 18% interest per annum to the petitioner within a stipulated period.

For Petitioner : Mr.C.Thangamani

For Respondents : Mr.D.Sivaraman

Standing Counsel.

ORDER

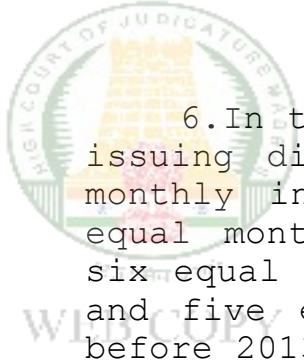
Heard the learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

2.The petitioner was employed as Driver in the respondent transport corporation and further he was promoted as Driver Grade IV and he retired from service on 31.05.2014 on reaching the age of superannuation.

3.He has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

4.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.

5.In view of the aforesaid Division Bench judgment, the transport corporations ought to have settled the terminal benefits of its employees on its own, without driving them to file individual writ petitions. But the transport corporations have not done so and a large number of writ petitions are filed every day.



6. In these circumstances, this Court has evolved a formulae in issuing direction to pay the terminal benefits in twelve equal monthly installments to the persons who retired in 2015; nine equal monthly installments to the persons who retired in 2014; six equal monthly installments to the persons who retired in 2013 and five equal monthly installments to the persons who retired before 2013. This Court has also issued direction to pay interest as per the direction of the First Bench of this Court referred to above.

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

"(i) Taking into account the fact that the petitioner retired in 2014, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in nine equal monthly installments.

(ii) The first installment shall commence by making payment on or before 10.03.2016 and the amount in each of the remaining installments shall be paid on or before 10th day 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 installments, the interest payable could be 18% for the delayed period".

8. 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 (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Managing Director,

Tamil Nadu State Transport

Corporation (Kumbakonam) Ltd.,

New Railway Station Road, Kumbakonam.

2. The Administrator, Tamil Nadu State Transport

Corporation Pension Fund Trust,

Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.

+One cc to Mr. C. Thangamani, Advocate, SR.No.9620

+One cc to Mr. D. Sivaraman, Advocate, SR.No.9825

sms