



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.2965 of 2016

S.Muniasamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
rep by its Secretary to Government,
Transport Department and
Chairman of Board of Directors of
State Transport Undertakings,
Fort St., George, Chennai 9.
- 2.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
- 3.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
- 4.The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai - 2.

... Respondents

Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to pay all the terminal benefits payable to the petitioner including Salary arrears in terms of settlement under Section 12(3) of the Industrial Disputes Act dated 13.04.2015 Gratuity the Commuted Value of Pension Leave Salary with enhanced dearness allowance at the rate of 100% in terms of G.O. (Ms)No.55 Transport (D) Department dated 04.06.2014 and dearness allowance arrears on petitioner's monthly pension as revised and increased from time to time together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices> For Petitioner : Mr.A.Rahul
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 Conductor in the respondent transport corporation and further he was promoted as Checking Inspector and he retired from service on 31.01.2014 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.

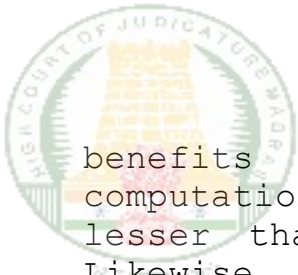
6.In these circumstances, this Court has evolved a formulae in issuing direction to pay the terminal benefits in twelve equal monthly installments to the persons who retired in 2015; nine equal monthly installments to the persons who retired in 2014; six equal monthly installments to the persons who 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

sms

To

1. The Secretary to Government,
State of Tamil Nadu, Transport Department and
Chairman of Board of Directors of State Transport Undertakings,
Fort St., George, Chennai 9.
- 2.The Managing Director,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
- 3.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Karaikudi.
- 4.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai, Chennai - 2.

+one cc to M/s.A.Rahul, Advocate in SR.NO.8417

+one cc to Mr.D.Sivaraman, Advocate in SR.No.8460

CSL/SKS-RR/SAR-I/16.02.2016 /3p/7c

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