



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3180 of 2016

A.Nagendran

... Petitioner

Vs.

1.State represented by
The Secretary,
Transport Corporation,
St. George Fort, Chennai.

2.The Managing Director,
Tamilnadu Transport Corporation,
Madurai Division Head Office,
Palanganatham,
Madurai.

3.The General Manager,
Tamilnadu Transport Corporation,
Head Quarters, Bye-pass road, Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to disburse the petitioner's service benefits gratuity, commutation fund, earned leave salary and medical and surrender leave within a stipulated period by taking into account the representation of the petitioner, dated 13.11.2015 and the proceedings of the third respondent in Niru.A5/272/2015, dated 23.11.2015.

For Petitioner : M/s.A.Rajini
For R-1 : Mr.T.R.Janarthanam,
Additional Government Pleader
For R-2 & R-3 : Mr.A.P.Muthupandian

O R D E R

The petitioner was employed as Tradesman in the respondent transport corporation and he retired from service on 31.05.2015 on reaching the age of superannuation.

2.He has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits. In paragraph No.4 of the affidavit filed in support of this Writ Petition, the petitioner has stated that he had not been disbursed of his gratuity, commutation, surrender of medical leave, surrender leave, dearness allowance etc.

3. The learned counsel for the respondent Corporation submitted that insofar as the commutation is concerned, the petitioner has to approach the Tamil Nadu State Transport Corporation Employees Pension Fund Trust, Chennai. Hence, it is open to the petitioner to approach appropriate authority for the same.



4. Insofar as other terminal benefits is concerned, following the judgment of the First Bench of this Court, 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 further holding that the workman is entitled to 18% interest for the defaulted period of installments, the 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 that are yet to be settled, in twelve 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.

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, 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.

6. The learned counsel for the respondent Corporation says that against certain employees, there are recoverables from them. So, the above payment may be made subject to recoverables from the employees. The petitioner is also agreeable for the same. No costs.

Sd/-
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Transport Corporation,
St. George Fort, Chennai.

2. The Managing Director,
Tamilnadu Transport Corporation,
Madurai Division Head Office,
Palanganatham, Madurai.



3.The General Manager,
Tamilnadu Transport Corporation,
Head Quarters, Bye-pass road, Madurai.

+1cc to M/s.A.Rajini, Advocate SR.No.8930

+1cc to special Government Pleader SR.No.9127

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W.P (MD) No.3180 of 2016
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