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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3353 of 2016

M.Chandrasekaran

... Petitioner

Vs.

1.The Management of

Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Kumbakonam Region, Rep. By its General Manager,
Kumbakonam.

2.The Administrator,

Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai -2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to pay the petitioner Rs.2,86,999/- towards leave salary and Rs.50,057/- towards balance of gratuity amount, after calculating the benefits based on the monthly wages payable on the month of his retirement by taking note of the increased dearness allowance, together with 18% interest per annum and also interest amount towards the delayed payment of part of gratuity amount Rs.6,76,108/- for the period from 31.03.2013 to 12.05.2015 as per Section 7(3A) of the Payment of Gratuity Act and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of pension commutation amount Rs.3,00,000/- for the period from 31.03.2013 to 06.11.2013 at the rate of 18% interest, within a time frame as may be fixed by this Court.

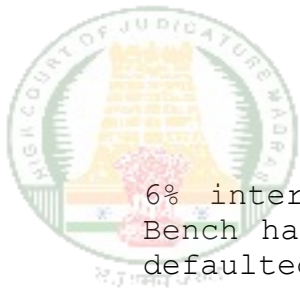
For Petitioner	: Mr.S.Arunachalam
For Respondents	: Mr.D.Sivaraman

O R D E R

The petitioner was employed as Tradesman in the respondent transport corporation and he retired from service on 31.03.2013 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.

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 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.

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4. In these circumstances, 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(AS)

/True Copy/

Sub Assistant Registrar

To

1. The General Manager, Tamilnadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam Region, Kumbakonam.

2. The Administrator, Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai -2.

+lcc to Mr.S.Arunachalam, Advocate SR.No.9550

+lcc to Mr.D.Sivaraman, Advocate SR.No.9670

akm/23.02.2016/2p-5c/NGM/SS

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