



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.3458 of 2016

WEB COPY

D.Hirudhayasamy

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam Division,
Periyamilaguparai,
Trichy 1.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle payment of Gratuity Earned Leave Medical Leave Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

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 Special Grade Technician level 5 in the respondent transport corporation he retired from service on 31.07.2015 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.

WEB COPY 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 2015, a direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve 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(C.O.)

/True Copy/

Sub Assistant Registrar.

To

1. The Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Railway Station Road, Kumbakonam, Thanjavur District.
2. The General Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam Division, Periyamilaguparai, Trichy 1.

+1CC to Mr. N. Sundhagar Nagaraj, Advocate, SR.No. 9885

+1CC to Mr. D. Sivaraman, Advocate, SR.No. 9830