



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2016

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.4592 of 2016

K.Mohan

... 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

PRAYER: Writ Petition is 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 Hon'ble Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For respondents : Mr.D.Sivaraman

ORDER

The petitioner was employed as Special Grade Conductor under the respondents / Transport Corporation and he retired from service on 31.10.2015 on reaching the age of superannuation.

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

3.The First Bench of this Court in similar matters has passed an order dated 12.06.2015 in W.A(MD)Nos.383 to 457 of 2015, issuing direction to the Transport Corporation 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.



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 equal monthly installments.

(ii) The first installment shall commence by making payment on or before 10.04.2016 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 respondents / Transport 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

/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.

+1 cc to MR.N.Sudhagar Nagaraj, ADVOCATE, SR NO:13296

+1 cc to MR.D.Sivaraman, ADVOCATE, SR NO:12953

gcg

JAM/NGM-SS /18.03.2016/ 2P- 5C