



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.5530 of 2016

K.Nagarajan

... 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,

The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to pay entire 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, Commuted Value of Pension, Earned Leave Salary 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 be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For R1 : Mr.TR.Janarthanaraja

Additional Government Pleader

For R2 to R4

: Mr.D.Sivaraman



ORDER

The prayer in the writ petition is for the issue of a writ of mandamus to direct the respondents to pay retirement benefits with interest to the petitioner.

2. It is stated that though the petitioner was allowed to retire from the service of the respondents, till date the respondent Corporation has not settled the retirement benefits. Hence, the petitioner has given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the said representation, the petitioner has come up with the above writ petition.

3. When the matter is taken up for hearing, Mr. A. P. Muthupandian, learned Standing Counsel appearing for the respondents has submitted that the issue is covered by a judgment, passed by the Honourable Division Bench in W.A. (MD). Nos. 383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioners in the light of the judgment passed by the Honourable Division Bench.

4. For ready reference, the judgment passed by the Hon'ble Division Bench in W.A. (MD). Nos. 383 to 457 of 2015 dated 12.06.2015 is extracted as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No. 7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same, we have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D. TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE - 78}, wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

5. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioner in 12 equal installments commencing from 10th April 2016 and the remaining installments on or before 10th day of every succeeding month. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the



figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable could be 18% for the delayed period.

6. 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 to.

7. 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.

8. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

CM

To

1. The Secretary to Government, 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, The Tamil Nadu State Transport Corporation Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai 600 002.

+1CC to Mr. R. Rahul Advocate Sr. No. 15963

+1CC to Mr. D. Sivaraman Advocate Sr. No. 16483

GJM/SKS/RR/SAR-I-1.4.16-3p-7C