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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.5842 of 2016

K.Dharmalingam

... 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.,
Trichy Region,
Trichy.

4.The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust,
Pallavan Salai, Chennai 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing 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

For Respondents 2-4

For 1st Respondent

: Mr.A.Rahul

: Mr.D.Sivaraman

Standing Counsel.

: Mr.S.Chandrasekar,
Government Advocate.

**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.

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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.D.Sivaraman, 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:

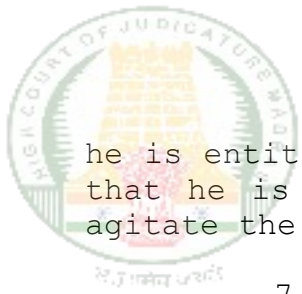
"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

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. 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.

<https://hcservices.ecourts.gov.in/Hcservices/> The foresaid 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. With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

sms

To

1. The Secretary to Government,
State of Tamil Nadu
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,
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The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region,
Trichy.
4. The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust,
Pallavan Salai, Chennai 600 002.

+1CC to Mr.D.Sivaraman Advocate Sr.No.16829

+1CC to Mr.A.Rahul Advocate Sr.No.17005

GJM/AAL/MPA/SAR-I-5.4.16-3p-7C

Writ Petition (MD) No.5842 of 2016
14.03.2016