



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.6387 of 2016

WEB COPY

L.Muthammal

...Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Rep. its Managing Director
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Karaikudi Region,
Karaikudi.

3.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
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 settle terminal benefits of the petitioner's husband Late R.Lakshmanan to the petitioner including gratuity and leave salary and monthly pension arrears and salary arrears of petitioner's husband from 01.09.2013 to 31.10.2013 in terms of Section 12(3) settlement dated 13.04.2015 together with interest at the rate of 18% per annum payable from the date of retirement of her husband from the service of the 1st respondent Corporation to till date on which the above benefits are settled to the petitioner.

For Petitioner
For Respondents

: Mr.A.Rahul
: Mr.D.Sivaraman
Standing Counsel.

ORDER

The legal heir of the deceased employee is the petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus to direct the respondents to pay retirement benefits of the petitioner's husband with interest.

2.When the matter is taken up for hearing, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents has submitted that only nominee can be given retirement benefits and if the petitioner is the nominee, per the records, he has no objection in granting retirement benefits to the petitioner. He has also 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.

3.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"

4.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 May 2016 and the remaining installments shall be paid 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.

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, she is entitled to receive. Likewise, if the petitioner has any grievance that she is entitled to interest for the amount already settled, she can agitate the same as per law, if she is entitled to.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Managing Director,

<https://hcservices.madras.gov.in/hcservices> Transport
Corporation (Kumbakonam) Ltd,
Kumbakonam.



2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd,
Karaikudi Region,
Karaikudi.

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

+1cc to M/s.D.Sivaraman, Advocate in SR.18536

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sms

PBK/SK-SKN 20/04/2016 ::3P-5C::