



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2017

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THE HON'BLE Mr. JUSTICE R. SURESH KUMAR**W.P.(MD) No.19516 of 2014**

P.Rajendran

... Petitioner

-vs-

The General Manager,
Tamilnadu State Transport Corporation Kumbakonam Ltd.,
Karaikudi Division,
Maruthupathi,
Karaikudi,
Sivagangai District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondent to sanction all service benefits to the petitioner by taking note of the petitioner's initial appointment from 02.09.1974 with continuity of service from the year 1996 and subsequently calculate the pension and sanction arrears of pension and other service and retirement benefits in view of the Award in I.D.No.85 of 2004 dated 15.04.2006 on the file of the Labour Court, Madurai by considering the petitioner's representation dated 12.11.2010 and subsequent representation dated 11.07.2012 within the period stipulated by this Court.

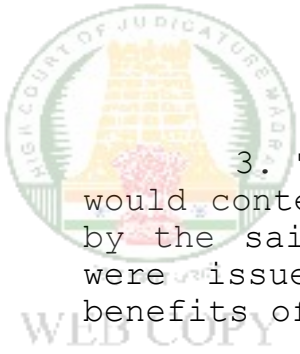
For Petitioner : Mr.A.Haja Mohideen

For Respondents : No Appearance

O R D E R

The prayer in the writ petition is for a Mandamus directing the respondent to sanction all service benefits to the petitioner by taking note of the petitioner's initial appointment from 02.09.1974 with continuity of service from the year 1996 and subsequently calculate the pension and sanction arrears of pension and other service and retirement benefits in view of the Award in I.D.No.85 of 2004 dated 15.04.2006 on the file of the Labour Court, Madurai by considering the petitioner's representation dated 12.11.2010 and subsequent representation dated 11.07.2012 within the period stipulated by this Court.

2. The learned counsel appearing for the petitioner would contend that the prayer sought for in the writ petition can be considered by this Court as the issue has already been raised and decided by this Court in a batch of writ petitions and according to him, this writ petition is covered by the said decisions. The learned counsel appearing for the petitioner would rely upon the decision of this Court made in W.P.(MD).No.20945 of 2016 dated 01.11.2016 in the matter of J.Vincent Raj vs. the Tamil Nadu State Transport Corporation (Tirunelveli) Limited.



3. The learned Standing counsel appearing for the respondents would contend that the issue raised in the writ petition is covered by the said decision of this Court and in number of cases orders were issued, directing the respondents to settle the terminal benefits of the employees.

4. This Court has considered the submissions made by the respective learned counsel for the parties and perused the order dated 01.11.2016 made in W.P.(MD).No.20945 of 2016, wherein this Court has passed the following order:

"4. In these circumstances, this 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 the First week of January, 2017 and the amount in each of the remaining instalments shall be paid on or before 10th 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;

(iv) 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. No costs."

5. The learned Standing counsel appearing for the respondents would contend that the first installment as per clause (ii) of the aforesaid order shall commence in this case, only in the month of March 2017.

6. In view of the said submissions as well as the order cited supra, the same order is passed in this case also with the following directions:

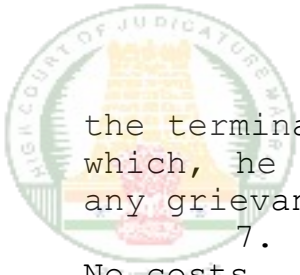
i) A direction is issued to the Transport Corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;

ii) The first installment shall commence by making payment on or before the First week of March, 2017 and the amount in each of the remaining installments shall be paid on or before 10th 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;

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(iv) 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.

7. With these directions, the writ petition is disposed of.
No costs.

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Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

The General Manager,
Tamilnadu State Transport Corporation Kumbakonam Ltd.,
Karaikudi Division,
Maruthupathi,
Karaikudi,
Sivagangai District.

+1CC TO A.HAJA MOHIDEEN,ADVOCATE, SR NO.1770

W.P.(MD)No.19516 of 2014
10.01.2017

RR

MS/PM.PN/14.2.2017/3P.3C