



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P(MD) No.1089 of 2017

M.Sundarambal

... Petitioner

vs.

1.The Managing Director

Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam, Thanjavur District.

2.The General Manager,

Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle a. Monthly Family Pension, b. Payment of Gratuity - Rs.5,45,815/-, c. Dearness Allowance and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.D.Sivaraman

ORDER

The petitioner's husband was employed as Special Grade Conductor in the respondents Corporation and he died on 10.01.2016, while he was in service.

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

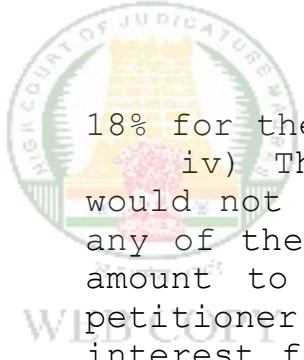
3.The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015, issuing direction to the transport Corporations to settle the terminal benefits of its employees in equal monthly instalments and to pay 6% interest on the terminal benefits payable to the workman. The Bench has also held that workman is entitled to 18% interest for the defaulted period of instalment.

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's husband that are yet to be settled, in twelve equal monthly instalments;

ii)The first instalment shall commence by making payment on or before the 10th March 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 instalments, the interest payable could be



18% for the delayed period;

iv) The aforesaid direction to settle the terminal benefits would not preclude the petitioner 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 her husband is entitled to interest for the amount already settled, she can agitate the same as per law, if her husband is entitled. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

- 1.The Managing Director
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station Road, Kumbakonam, Thanjavur District.
- 2.The General Manager,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Periyamilaguparai, Trichy.

+1 cc to Mr.N.Sivaraman, SR.No:3830

+1 cc to Mr.N.Sudhagar Nagaraj, SR.No:3947

nbi

AE/BS/10.02.2017/2P/5C

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24.01.2017