



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.11247 of 2017

A.Sivalingam

... Petitioner

Vs.

1.The Management of

State Express Transport Corporation (Tamilnadu)Ltd.,
represented by its Managing Director,
Pallavan Salai, Chennai-2.

2.The Administrator,

Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to pay the petitioner Rs.1,72,853/- towards encashment of 159 days of Earned Leave and 1 day of Sick Leave, Rs.50,000/- towards Social Security Scheme benefit, Rs.5,000/- towards Refundable Deposits and Rs.59,621/- towards balance of gratuity, together with 18% interest per annum, along with interest amounts towards the delay periods from 01.04.14 to 28.10.14 and 01.04.14 to 15.11.14 in paying the gratuity in parts as Rs.3,50,000/- and Rs.1,80,000/- respectively, at the same rate and further directing the respondents to pay him Rs.2,59,267/- towards the Pension Commutation and arrears of pension for the period from 01.04.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement ie., March 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Hon'ble Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) NO.1457/2015 and etc., batch.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.K.Sathiyasingh
Standing Counsel for TNSTC

ORDER

The petitioner was employed as Driver in the respondents Corporation and he retired from service on 31.03.2014 on attaining

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2.He 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 installments 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 installments. The learned Standing Counsel for the respondents has no objection to pass similar orders passed by this Court earlier following the order of the Hon'ble Division Bench.

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 10th of August 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;

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 to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
State Express Transport Corporation (Tamilnadu)Ltd.,
Pallavan Salai, Chennai-2.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.

+1cc to Mr.S.ARUNACHALAM Advocate in SR. No.60927

+1cc to Mr.K.SATHIYA SINGH Advocate in SR. No.60952

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