



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.11311 of 2017

K.Rathinam

.. Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, Rep. by its General Manager,
Karaikudi.

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

.. Respondents

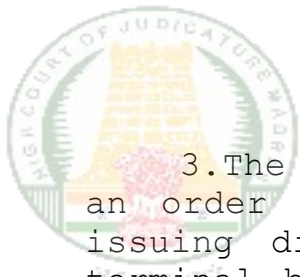
PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pay the petitioner Rs.6,51,513/- towards Gratuity and Rs.1,57,636/- towards encashment of 122 days of Earned Leave, together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employee's Contribution amount Rs.5,58,252/- for the period of 30.04.2016 to 21.12.2016 at the same rate and further directing the respondents to pay him Rs.2,61,376/- towards the Pension Commutation, together with 18% interest per annum, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For R-1 : Mr.D.Sivaraman,
Standing Counsel for T.N.S.T.C.,
For R-2 : Mr.A.P.Muthupandian,
Standing Counsel for T.N.S.T.C.,

O R D E R

The petitioner was employed as Special Grade Conductor in the respondents Corporation and he retired from service on 30.04.2016, on reaching the age of superannuation.

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 have 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(Co)

/True copy/

Sub Assistant Registrar

To

1. The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam District Region, Rep. by its General Manager,
Karaikudi.



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

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 61081

+1 cc to Mr.S.Arunachalam , Advocate in SR.No. 61358

pmu

AE/GT/SAR1/30.06.2017/3P/5C

ORDER MADE IN
W.P. (MD) .No.11311 of 2017
20.06.2017