



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.1224 of 2017

S.Kasthuri,
Wife of Late.R.Sekar
8-2-165, Kamarajar Nagar,
Andipatti,
Theni District.

... Petitioner

vs.

The Tamilnadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
By pass Road,
Madurai -10.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to pay the entire terminal benefits payable to the Petitioner's husband including Earned Leave Salary together with interest at the rate of 18% per annum from the date of retirement to till the date of payment within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul
For Respondent : Mr.A.P.Muthupandian

ORDER

The husband of the petitioner was employed as Special Grade Conductor in the respondent Corporation and he died on 15.10.2011 while he was in service.

2.Hence his wife has filed this writ petition seeking for a direction to the respondent to pay the retirement benefits payable to her husband.

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 installment 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's wife 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. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

vsn

The Managing Director,
The Tamilnadu State Transport Corporation (Madurai) Ltd.,
By pass Road, Madurai -10

+1CC to Mr.A.Rahul, Advocate Sr.No.4183

GJM/CM/MSA/14.2.17-2p-3C

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