



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2017

CORAM :

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1360 of 2017

A.Kannaian

... Petitioner

vs.

1. The Management of
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director, Kumbakonam.

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the 1st respondent to pay the petitioner all his retirement benefits including gratuity, encashment of earned leave and medical / sick leave earned by him in his service before 31.08.98 and stood in his leave credit, social security scheme benefit, refundable deposits and also arrears of wages for the period from 01.09.13 to 30.11.14 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.83,509/- for the period from 06.03.2015 to 04.08.2016 at the rate as per EPF Scheme and further directing the respondents to pay him Pension Commutation and arrears of pension for the period from 07.03.2015, 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 discharge from service i.e., March 2015 by revising the same as per the settlement dated 13.04.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in W.A.(MD). No.1457/2015 and etc., batch.

For Petitioner
For Respondents

: Mr.S.Arunachalam
: Mr.D.Sivaraman for R1
Mr.A.P.Muthupandian for R2

ORDER

The petitioner was employed as Driver in the respondents Corporation and he was medically discharged from service on 06.03.2015 after completion 25 years of his service.

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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 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 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 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 (Writs)

/True Copy/

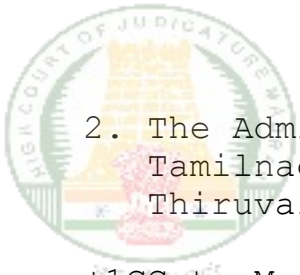
Sub Assistant Registrar

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To

1. The Managing Director, Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,

Kumbakonam



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

+1CC to Mr.S.Arunachalam, Advocate Sr.No.5248

+1CC to Mr.D.Sivaraman, Advocate Sr.No.4901

GJM/BS/MR/6.2.17-3p-5C

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