



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1372 of 2017

K.Kumar

... Petitioner

vs.

1. The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Rep. by its General Manager,
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 Rs.5,18,423/- towards gratuity and Rs.66,605/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.08.2016 payable pursuant new wage settlement together with 18% interest per annum, along with interest amounts towards the delays in paying EPF Employee's Contribution amount Rs.4,70,027/- for the period from 31.08.16 to 21.09.17 at the rate as per EPF Scheme and also in paying the Employees Social Security Scheme benefit amount Rs.50,000/- for the period from 31.08.2016 to 21.09.2016 at 18% p.a. and further directing the respondents to pay to the petitioner Rs.2,60,000/- towards the pension Commutation amount and arrears of pension for the period from 01.09.2016 by revising pension, and the college share amount of Rs.3930/- together with 18% interest per annum, after calculating all terminal/pension benefits based on the monthly wages payable to the petitioner on the month of retirement ie., September, 2016 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 : Mr.V.Anand

For Respondents : Mr.D.Sivaraman for R1

Mr.A.P.Muthupandian for R2

**ORDER**

The petitioner was employed as Special Grade Conductor in the respondents Corporation and he retired from service on 31.08.2016 on attaining 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 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(CS-I)

/True Copy/

Sub Assistant Registrar.

+1CC to M/S.V.Anand, Advocate, SR.No. 4872

+1CC to M/S.D.Sivaraman, Advocate, SR.No. 4902

W.P (MD) No.1372 of 2017
30.01.2017