



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.158 of 2017

H.Saraswathy

... Petitioner

vs.

1. Tamil Nadu State Transport Corporation (Madurai) Limited,
Rep. by it's Managing Director,
Bye Pass Road, Madurai - 625 016.

2.The Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai - 625 016.

3. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the terminal benefits amount payable to the petitioner including Provident Fund, Gratuity, Un-availed Leave Salary, Service Surrender Leave Salary, Encashment of Unearned Leave on Private affairs for the period of 90 days and Dearness allowance arrears together with 18% interest from the date of her retirement i.e., 31.05.2016 to till the date of payment and all other attendant benefits to her within the stipulated period fixed by this Court.

For Petitioner	: M/s.A.Rahul
For Respondents	: Mr.A.Jeyaraman for R1 & R2. Mr.AP.Muthu Pandian for R3.

ORDER

<https://hcservices.courts.gov.in/hcservices/>
The petitioner was employed as Assistant Manager in the respondent Corporation and he retired from service on 31.05.2016



on attaining the age of superannuation.

2. She 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 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 workman 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 has any grievance that he is entitled to interest for the amount already settled, she can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1. Tamil Nadu State Transport Corporation (Madurai) Limited,
Rep. by its Managing Director,
Bye Pass Road, Madurai - 625 016.



2. Financial Advisor &
Chief Accounts Officer,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai - 625 016.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

+1 cc to MR.AK.THANGAVEL, Advocate SR.No.792

W.P (MD) No158 of 2017
05.01.2017

SMA/PM-AM1/20.01.2017:3P/5C