



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.1827 of 2017

WEB COPY
R.Lakshmi

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
represented by its Managing Director,
Karaikudi Region,
27, New Railway Station Road,
Kumbakonam.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... 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 settle the Petitioner's husband's retirement benefits including Provident Fund, Gratuity and Commutation of Pension payable to him with reasonable rate of interest within the time stipulated by this Court.

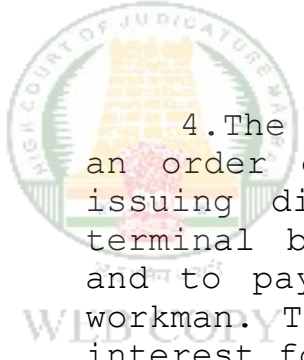
For Petitioner	: M/s.G.M.Xavier
For Respondent-1	: Mr.D.Sivaraman
For Respondent-2	: Mr.A.P.Muthupandian, Standing Counsel.

ORDER

The petitioner was employed as Conductor in the respondents Corporation and while in service, the Petitioner died on 3.4.2016

2.Hence the Petitioner's wife has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

3.Since the claim in this Writ Petition is not made by the employee, but made by one of the legal heirs/wife of the deceased employee, the Petitioner is directed to furnish the respondents 'No Objection Certificate' obtained from the other legal heirs of the deceased employee. If the above requirement is completed, the respondents shall make the payment of retirement benefits of the Petitioner's husband after one month from the date of complying with the above conditions.



4. 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.

5. 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 within one month from the date of complying with the above conditions as stated supra 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 she 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

/True copy/

Sub Assistant Registrar

+1cc to M/s G.M.Xavier, Advocate, SR.6046
+1cc to M/s D.Sivaraman, Advocate, SR.6182

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