



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.1831 of 2017

WEB COPY

V. Sekar

... Petitioner

vs.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.2,50,435/- towards Leave Salary and Rs.20,245/- towards balance of Gratuity, together with 18% interest per annum, along with interest amount towards the delayed payment of part of the gratuity amount Rs.4,38,817/- for the period from 28.02.2013 to 18.05.15 at the same rate and further directing the 1st and 2nd respondents to pay his interest amount towards the delayed payment of Pension Commutation amount Rs.2,30,738/- for the period from 01.03.13 to 30.10.13 at the rate of 18% interest, within a time frame fixed by this court.

For Petitioner	: Mr.S. Arunachalam
For Respondent No.1	: Mr.D. Sivaraman
For Respondent No.2	: Mr. A.P. Muthupandian
	Standing Counsel

ORDER

The petitioner was employed as Special Grade Tradesmen in the respondents Corporation and he retired from service on 28.02.2013 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 installment shall commence by making payment on or before the 10th April 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

/TRUE COPY/

Sub Assistant Registrar

To

1. The Management of
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Kumbakonam Region,
Rep. by its Managing Director,
Kumbakonam.

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

+1 cc to MR.S.ARUNACHALAM, ADVOCATE, SR NO: 6236

+1 cc to MR.D.SIVARAMAN, ADVOCATE, SR NO: 6153

W.P (MD) No.1831 of 2017
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