



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.1850 of 2017

Tmt.K.Nalini

... Petitioner

vs.

1. The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Tirunelveli-627 011.

2. The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Nagercoil Region,
Ranithottam,
Nagercoil-1

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the retirement benefits with interest to the Petitioner in view of the representation dated 06.12.2016.

For Petitioner : Mr.S.Royce Immanuel
For Respondent : Mr.K.Sathya Singh

ORDER

The petitioner's husband was employed as Special Driver in the respondent Corporation and he died on 21.06.2014 while in service. His wife has filed this writ petition seeking for a direction to the respondents to pay the retirement benefits.

2.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.

3.In these circumstances, this writ petition is disposed of with the following directions:-
<https://hcservices.ecourts.gov.in/hcservices/>

i)A direction is issued to the transport corporation to settle

the terminal benefits of the petitioner's husband 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 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 petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, her husband is entitled to receive. Likewise, if the petitioner has any grievance that her husband is entitled to interest for the amount already settled, she can agitate the same as per law, if her husband is entitled. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Tirunelveli-627 011.

2. The General Manager,
Tamilnadu State Transport Corporation,
Tirunelveli Limited, Nagercoil Region,
Ranithottam,
Nagercoil-1.

+ 1 CC TO Mr.ROYCE IMMANUEL.S, ADVOCATE IN SR No. 6563

+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 6101

NBI

TE/SV-MMS : 22/02/2017 : 2P/5C

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(3/13)

03.02.2017