



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.194 of 2017

U.Singadurai

... Petitioner

vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Kattabomman Nagar, Tirunelveli.
 2. The General Manager,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Tirunelveli Region, Vannarapettai, Tirunelveli.
 - 3) The Administrator,
The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Tiruvalluvar House, Pallavan Salai,
Chennai-600 002.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle (a) Payment of Gratuity - Rs.5,21,584/- (b) Earned Leave (c) Medical Leave (d) Payment of Commuted Value of Pension (e) Provident Fund - Rs.4,07,327/- (f) Institute of Road and Transport Technology (IRTT) Fund (g) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.K.Sathiya Singh for R1 & R2
Mr.A.P.Muthupandian for R3

ORDER

The petitioner was employed as Special Grade Driver in the respondents Corporation and he retired from service on 31.10.2015 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(A.E.,)

/TRUE COPY/

Sub Assistant Registrar

To

+1cc to M/s.N.Sudhagar Nagaraj, Advocate, in SR No.1254.

+1cc to M/s.K.Sathiya Singh, Advocate, in SR No.1174.

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