



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P(MD)No.2375 of 2017

S.Shanmugasundaram

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam)Ltd.,
Represented by its Managing Director, Kumbakonam.

2.The General Manger,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3.The Administrator,
The Tamilnadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan salai, Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay entire terminal benefits payable to the petitioner including Provident Fund, Gratuity, Commuted value of pension, Leave Salary, Post Retirement Benefits Scheme Amount and Voluntary Retirement Compensation together with interest at the rate of 18% per annum from the date of petitioner's retirement to till the date of payment within the time that may be stipulated by this court.

For Petitioner : Mr.A. Rahul

For Respondents : Mr.D. Sivaraman for R1 & R2
Mr.A.P.Muthupandian for R3

ORDER

The petitioner was employed in the respondent Corporation and he voluntarily retired from service on 29.02.2016.

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 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 (Records)

/True copy/

Sub Assistant Registrar

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3. The Administrator,
The Tamilnadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan salai, Chennai-600 002.

+1 CC to M/s.A.RAHUL, Advocate, SR No. 7821

+1 CC to M/s.D.SIVARAMAN, Advocate, SR No. 7888.

NBI

PSM/CM-MSA/24.02.2017/2P/6C

W.P (MD) No.2375 of 2017
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