



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2462 of 2017

P.Baskaran

... Petitioner

vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Transport Department,
Fort St. George, Chennai-9.
 - 2.M/s. Tamil Nadu State Transport Corporation (TNV Ltd),
Tirunelveli Region,
Rep by its Managing Director.
 - 3.The General Manager,
Tamil Nadu State Transport Corporation(TNV Ltd)
Tirunelveli Region.
 - 4.The Branch Manager,
Thoothukudi (Moffusil)Branch,
Tamil Nadu State Transport Corporation(Madurai Ltd),
Tirunelveli Zone,
Ettayapuram Road, Tuticorin.
- ...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 respondents to disburse the petitioner's retirement benefits in terms of the proceedings No.10667/Ad10/TNSTC/TNV/2016, dated 27.09.2016 of the 3rd Respondent, without further delay.

For Petitioner : Mr. S. Kadarkarai

For Respondent No.1 : Mr.S. Sathish Kumar
Addl.Govt.Pleader

For Respondent No.2 to 4 : Mr.K. Sathiya Singh
Standing Counsel

ORDER

The petitioner was employed as Special Grade Driver-V Level in the respondents Corporation and he retired from service on 30.09.2016 on attaining the age of superannuation.

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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(CS-II)

/True Copy/

Sub Assistant Registrar



To

1.The Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai-9.

2.The Managing Director,
M/s. Tamil Nadu State Transport Corporation (TNV Ltd),
Tirunelveli Region.

3.The General Manager,
Tamil Nadu State Transport Corporation(TNV Ltd)
Tirunelveli Region.

4.The Branch Manager,
Thoothukudi (Moffusil)Branch,
Tamil Nadu State Transport Corporation, (Madurai Ltd),
Tirunelveli Zone,
Ettayapuram Road,
Tuticorin.

+1 cc to MR.S.KADARKARAI, Advocate SR.No.7963

+1 cc to MR.K.SATHIYASINGH, Advocate SR.No.8217

W.P (MD) No.2462 of 2017

14.02.2017

SMA/PM-PN/01.03.2017:3P/7C