



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.02.2017
CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

WEB COPY

W.P(MD)No.2860 of 2017

M.Gnanasekaran

... Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (KUM) Ltd,
New Railway Station Road, Kumbakonam,
Thanjavur District, 612001.
- 2.The General Manager,
Tamil Nadu State Transport Corporation(KUM) Ltd,
Near Railway Station, Kumbakonam, Thanjavur District.
- 3.The Administrator,
Tamilnadu State Transport Corporation Ltd,
Employees Pensions Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse the petitioner retirement benefits with interest namely, Provident Gratuity, Commutation, Earn Leave (EL) Salary(240 days), pending Earn Leave 90 Days (2011 to 2016), Old Sick Leave Salary 64.5 days, as per G.O.No.909, dated 31.07.2004 and Sick Leave 90 days and other benefits.

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

O R D E R

The petitioner was the employee of the respondent Corporation and he retired from service on 31.12.2016 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 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 (CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
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New Railway Station Road, Kumbakonam,
Thanjavur District, 612001.

2. The General Manager,
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Near Railway Station, Kumbakonam,
Thanjavur District.

3. The Administrator, Tamilnadu State Transport Corporation Ltd,
Employees Pensions Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai - 2.

+1 cc to MR.K.Gokul, ADVOCATE, SR NO:9590

+1 cc to MR.D.Sivaraman, ADVOCATE, SR NO:9245

nbi

sva/rr/bs/sar1/06.03.2017/2p/6c

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