BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.3037 of 2017

G.Dhayalan ... Petitioner

vs.

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

2.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Pallavan Salai, Chennai - 600 002. ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to pay the entire eligible terminal benefits payable to the petitioner including Gratuity, Commuted Value of Pension, VRS Compensation and Terminal Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.A.Rahul

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

ORDER

The petitioner was the employee of the respondent Corporation and he retired from service on 30.09.2013 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(R)

/True Copy/

Sub Assistant Registrar

nbi

To

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

2.The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Pallavan Salai,Chennai - 600 002.

+1cc to Mr.A.Rahul,Advocate Sr.No. 9716

JAM/07.03.17 /PM-PN/SAR 2/ 2p-4c

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