



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.3575 of 2017

S.Muthusamy

... Petitioner

vs.

The Managing Director,
TamilNadu State Transport Corporation (Coimbatore) Ltd,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court for issuance of a Writ of Mandamus, to direct the respondent to settle the Petitioner's retirement benefits viz., Leave Surrender amount to the tune of Rs.3,17,060/- with interest at the rate of not less than 12% per annum from the date of retirement to the Petitioner payable from the date of retirement I.e., on 31.01.2011 to till the date of actual payment within the time stipulated by this Court.

For Petitioner : M/s.N.S.Sathish Babu
For Respondent : Mr.K.Sathiya Singh
Standing Counsel

ORDER

The petitioner was employed as Senior Assistant in the respondent Corporation and he retired from service on 31.01.2011 on attaining the age of superannuation.

2.He has filed this writ petition seeking for a direction to the respondent 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.

<https://hcservices.courts.gov.in/hcservices/>
4.In the present 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-III)

/True Copy/

Sub Assistant Registrar.

To

The Managing Director,
TamilNadu State Transport Corporation (Coimbatore) Ltd,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1CC to M/S. K.Sathiya Singh, Advocate, SR.No. 11768

+1CC to M/S.N.Sathish Babu, Advocate, SR.No.11869

W.P(MD)No.3575 of 2017
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vsn

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