



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.3592 of 2017

N.Thirumeni

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
represented by its General Manager,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai-2.

... 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 first respondent to pay Rs.6,97,169/- towards gratuity and Rs.32,068/- towards leave salary and also arrears of wages for the period from 01.09.2013 to 31.8.2016 payable pursuant to the new wage settlement together with 18% interest per annum along with interest amounts towards the delay in paying E.PF Employees Contribution amount Rs.3,23,169/- for the period from 31.8.2016 to 21.9.2017 at the rate as per E.P.F. Scheme and also in paying the Employees Social Security Scheme benefit amount of Rs.50,000/- for the period from 31.8.2016 to 20.09.2016 at 18% p.a and further to direct the respondents to pay the Petitioner Rs.3,00,000/- towards pension commutation amount and arrears of pension for the period from 1.9.2016 by revising the pension, and the college share amount of Rs.4500/- together with 18% interest per annum, after calculating all terminal/pension benefits based on the monthly wages payable to the Petitioner on the month of retirement I.e., September 2016 by revising the same as per the settlement dated 13.4.2015 as ordered by the Honourable Division Bench of this Court by its order dated 29.1.2016 in W.A.(MD) No.1457 of 2015 and etc batch.



For Respondent-2 : Mr.A.P.Muthupandian

ORDER

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The petitioner was employed as Special Grade Driving Instructor in the respondents Corporation and he retired from service on 31.08.2016 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 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(AS)

/True copy/

Sub Assistant Registrar



To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
represented by its General Manager,
Kumbakonam.

2.The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai-2.

+1cc to Mr.D.Sivaraman, Advocate SR.No.11672

+1cc to Mr.V.Anand, Advocate Sr.No.11460

vsn

sm:MR:10/03/2017:3P/5C

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