



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.4582 of 2017

S.Gopal

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd., Kumbakonam Region, Kumbakonam.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the Respondents to pay entire terminal benefits payable to the petitioner including Provident Fund, Gratuity, Commuted Value of pension, Monthly Pension Arrears from 02.08.2016 to 31.12.2016 and Refund of Medical, Engineering, Polytechnic Colleges and Institute of Road Transport 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 Court.

For Petitioner : Mr.A.Rahul
For R1 and R2 : Mr.D.Sivaraman
Standing Counsel for TNSTC
For R3 : Mr.A.P.Muthupandian
Standing Counsel for TNSTC

O R D E R

The petitioner was employed as Driver in the respondents Corporation and he retired from service on 02.08.2016, on reaching 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 installments 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 installments. The learned Standing Counsel for the respondents has no objection to pass similar orders passed by this Court earlier following the order of the Hon'ble Division Bench.

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 installments;

ii)The first installment shall commence by making payment on or before 10th of May 2017 and the amount in each of the remaining installments 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 installments, 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 (Protocol)

/True Copy/

Sub Assistant Registrar

To

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



2. The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

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

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 18611
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 18479

CMR/GSP

TE/JC : 19/04/2017 : 3P/6C

W.P. (MD) No.4582 of 2017
28.03.2017