



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P(MD)No.5281 of 2017

P.Selvakumar

..Petitioner

Vs

1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
Rep. by its Managing Director,
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 to issue a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.19,42,795/- towards Gratuity, Rs.7,62,439/- towards encashment of 240 days of Earned Leaves and Rs.2,85,915/- towards encashment of 90 days of leave on personal affairs together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employee's Contribution amount Rs.6,48,741/- for the period from 31.12.16 to 20.12.17 at the rate as per EPF Scheme and further directing the respondents to pay him Rs.6,75,037/- towards the Pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Hon'ble Court.

For Petitioner	: Mr.S.Arunachalam
For 1 st Respondent	: Mr.D.Sivaraman
For 2nd Respondent	: Mr.A.P.Muthupandian

ORDER

The petitioner has approached this Court seeking a direction to the 1st respondent to pay the petitioner Rs.19,42,795/- towards Gratuity, Rs.7,62,439/- towards encashment of 240 days of Earned Leaves and Rs.2,85,915/- towards encashment of 90 days of leave on personal affairs together with 18% interest per annum, along with interest amount towards the delay in paying EPF Employee's Contribution amount Rs.6,48,741/- for the period from 31.12.16 to 20.12.17 at the rate as per EPF Scheme and further directing the



respondents to pay him Rs.6,75,037/- towards the Pension Commutation amount together with 18% interest per annum within a time frame.

2.Mr.D.Sivaraman, the learned Standing Counsel takes notice for the 1st respondent and Mr.A.P.Muthupandian, the learned Standing Counsel takes notice for the 2nd respondent. By consent of both sides, this Writ Petition itself is taken up for disposal at the time of admission itself.

3.According to the learned Standing Counsel for the respondents, he has no objection for the relief to be granted to the petitioner in view of the fact that a Division Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015 has passed orders directing 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, in default to pay 18% interest for the defaulted period of installments.

4.A learned Single Judge of this Court has also passed identical orders in W.P.(MD) No.21112 of 2016 dated 04.11.2016.

5.In these circumstances, this Writ Petition is disposed of with the following directions:

(i) The 1st respondent is directed to settle the terminal benefits to the petitioner that are yet to be settled by 12 equated monthly installments, which shall be commenced from May, 2017.

(ii) The said payment shall carry interest at 6% per annum from the date of retirement till date of actual payment. In case there is any delay in making installments, the interest payable could be 18% for the delayed period.

(iii) 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.

6.There shall be no order as to costs.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

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JM/SV MMS/SAR 4/19.04.2017/3P/3C