



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.5432 of 2017

WEB COPY

M.Sivaprakasam,
Tamil Nadu State Transport Corporation Ltd.,
Kumbakonam Kottam,
Karur I Branch,
Karur Zonal
Karur.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Corporation Department,
Secretariat,
Chennai-9

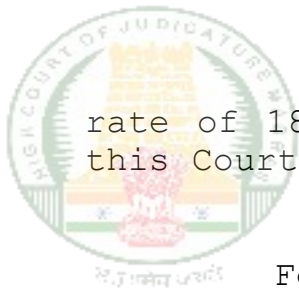
2.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

3.The Managing Director,
O/o The Managing Director,
Kumbakonam Division Head Office,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

4.The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Thirumanalliyur Post,
Karur,
Karur District.

... 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 retirement benefit of the petitioner such as Commutation, Gratuity, Provident fund, Leave Salary etc together with 18% interest per annum besides interest amount towards the delayed payment of Gratuity as per Section 7(3A) of the Payment of Gratuity Act and further directing the respondents to pay interest amount towards the delayed payment of pension commutation at the



rate of 18% interest within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkateshkumar

For R1 : Mr.C.Selvaraj
Additional Government Pleader

For R2 : Mr.A.P.Muthupandian
Standing Counsel for TNSTC

For R3 : Mr.D.Sivaraman
Standing Counsel for TNSTC

For R4 : Mr.A.Jeyaram
Standing Counsel for TNSTC

ORDER

The petitioner was employed as Conductor in the respondents Corporation and he retired from service on 31.05.2015, 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;

<https://hcservices.ecourts.gov.in/hcservices/>

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 (CS-I)

/True copy/

Sub Assistant Registrar

To

1.The Secretary,
State of Tamil Nadu,
Transport Corporation Department,
Secretariat,
Chennai-9

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

3.The Managing Director,
O/o The Managing Director,
Kumbakonam Division Head Office,
Tamil Nadu State Transport Corporation,
Railway Station Road,
Kumbakonam.

4.The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Thirumanalliyur Post,
Karur, Karur District.

+1 CC to MR.D.SIVARAMAN, Advocate, SR No. 18470

+1 CC to M/s.AJMAL ASSOCIATES, SR No. 18712

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 18921

CMR/GSP

PSM/SV-MMS/SAR3/27.04.2017/3P/8C