



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.16523 of 2016

G.Gunasekaran

... Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Karaikudi Region, 27, New Railway Station Road, Kumbakonam.

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation of Pension, Earned Leave Wages for 238 days, IRT share amount with 20% Arrears amount and Dearness Allowance payable to me along with monthly pension with reasonable rate of interest as per the settlement dated 13.04.2015 u/s 12(3) of ID Act w.e.f. 01.09.2013 within the time that may be stipulated by this court.

For Petitioner	: Mr. G.M.Xavier
For Respondent Nos.1&2	: Mr. D. Sivaraman
For Respondent No.3	: Mr.A.P. Muthupandian

ORDER

The petitioner was employed as Special Grade Tradesman in the respondent Corporation and he retired from service on 31.05.2016 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 instalment shall commence by making payment on or before the 10th March 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

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region, 27, New Railway Station Road, Kumbakonam.

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

+1cc to M/s.G.M.Xavier, Advocate, in SR No.3347.

+1cc to M/s.D.Sivaraman, Advocate, in SR No.3458.

nbi
msm-cr/sar2/02.02.17/p2/5c

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20.01.2017