



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No. 592 of 2017

WEB COPY

S.Mathivanan

... Petitioner

vs.

1. The Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Rep. by its General Manager,
Trichy.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner all his retirement benefits including Gratuity Social Security Scheme benefit and Refundable Deposits together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.1,34,894/- for the period from 31.5.15 to 22.4.16 at the rate as per EPF Scheme and further directing the respondents to pay him pension and pension arrears from 1.6.15 an Pension.

For Petitioner	: Mr.S.Arunachalam
For R1	: Mr.D.Sivaraman
For R2	: Mr.A.P.Muthupandian

ORDER

The petitioner was employed as Driver in the 1st respondent Corporation and he retired from service on 31.05.2015 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. Learned counsel for the respondents would submit that the Corporation is sought to recover Rs.6,04,119/- from the terminal benefits of the petitioner towards non-implemented increment cut, which is the subject matter in the pending W.P.(MD)No.593 of 2017.

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 retain the amount due to them and settle the balance amount of the petitioner that are yet to be settled, in twelve equal monthly instalments without prejudice to the rights of the parties in W.P. (MD) No.593/2017;

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 (CSII)

/True Copy/

Sub-Assistant Registrar

To:

1. The General Manager,
Management of Tamil Nadu State
Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.
 2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai, Chennai-2.
- +One cc to Mr.S.Arunachalam, Advocate, SR.No.3182
+One cc to Mr.D.Saravanan, Advocate, SR.No.2588
ar
RL/5C/2P/SV/MMS/21.2.2017

W.P (MD) No.592 of 2017
12.01.2017