



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.7231 of 2017

M.Sankaralingam

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

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

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to settle a.Payment of Gratuity - Rs.6,01,839/- b.Earned Leave - Rs.1,15,706/- c.Medical Leave, d.Payment of Commuted Value of Pension - Rs.2,50,929/- and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For R1 &R2	: Mr.D.Sivaraman, Standing Counsel
For R3	: Mr.A.P.Muthupandian Standing Counsel

**O R D E R**

The petitioner was employed as "Special Grade Driver" in the second respondent Corporation and he retired from service on 28.02.2017, 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 June 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 (C)

/True Copy/



To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam,
Thanjavur District.

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

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 52925
+ 1 CC TO Mr.N.SUDHAGAR NAGARAJ, ADVOCATE IN SR No. 52981

KM/MR

TE/SV : 04/05/2017 : 3P/5C

ORDER MADE IN
W.P. (MD) .No.7231 of 2017
20.04.2017