



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.7239 of 2017

D.Ramarajan

.. 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.,
Trichy Region, Periyamilagupurai,
Trichy.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employes Pension Fund Trust,
Thiruvalluvr 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 b.Monthly Salary of 5 days for the month of May 2016 - Rs.5,847/- c.Earned Leave - Rs.58,210/- d.Medical Leave e.Payment of Commuted Value of Pension - Rs.2,14,883/- f.Pension Arrears (belated pension) - Rs.57,980/- 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 Respondents : Mr.D.Sivaraman,
Standing Counsel.

O R D E R

The petitioner was employed as "Special Grade Conductor" in the 1st Respondent Corporation and he retired from service under Voluntary Retirement Scheme with effect from 05.05.2016.



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 (CS-I)

/True Copy/

Sub Assistant Registrar

MR

To

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



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

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

+1cc to Mr.N.Sudhagar Nagaraj, Advocate in SR.No. 52988
+1CC to Mr.D.Sivaraman, Advocate in Sr.No.52932

GJM/MSA/SR-3-10.5.17-3p-6c

ORDER MADE IN
W.P. (MD) .No.7239 of 2017
Dated : 20.04.2017(5/8)