



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.7484 of 2017

Y.Backiaselvi

.. Petitioner

Vs.

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

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

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse all monetary death cum retirement benefits to the petitioner's Husband Late S.Yesaiya, who died on 02.10.2015 particularly Provident Fund with interest, Gratuity, Earned Leave, Dearness Allowance based on the petitioner's representation dated 03.04.2017 within a period that may be stipulated by this Court.

For Petitioner : Mr.C.Ezhilarasu

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

O R D E R

The petitioner's husband was employed as "Conductor" in the respondents Corporation and he died on 02.10.2015 during service.

2.The petitioner 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 Petitioner to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, she is entitled to receive. Likewise, if the petitioner has any grievance that she is entitled to interest for the amount already settled, she can agitate the same as per law, if she is entitled. No costs.

Sd/-

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

+1 CC TO MR.D.SIVARAMAN, ADVOCATE, SR NO.53269

+1 CC TO MR.C.EZHILARASU, ADVOCATE, SR NO.

TA/GNS

MAS/SV-MMS:SAR4/12.05.2017:2P-3C

ORDER MADE IN

W.P. (MD) .No.7484 of 2017
21.04.2017