BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD).No.7614 of 2017

R.Ganesan .. Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation
Kumbakonam) Limited, Represented by its
Managing Director, Kumbakonam, Thanjavur District.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Pudukkottai Region,
Pudukkottai.

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

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Earned Leave and Medical Leave Salary, Commuted Value of Pension, Gratuity, Pending in-service Leave Salary and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Court and further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of Provident Fund payable from the date of the petitioner's retirement to till the date on which the same was paid to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.D.Rameshkumar
For R-1 and R-2 : Mr.D.Sivaraman,
Standing Counsel for T.N.S.T.C.,
For R-3 : Mr.A.P.Muthupandian
Standing Counsel for T.N.S.T.C.,

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O R D E R

The petitioner was employed as Senior Conductor in the respondents Corporation and he retired from service on 31.05.2014, 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(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Represented by its
Managing Director, Kumbakonam, Thanjavur District.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited, Pudukkottai Region, Pudukkottai.

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

+1cc to Mr.D.Rameshkumar, Advocate Sr.No.53823
+1cc to Mr.D.Sivaraman, Advocate Sr.No.53544

pmu

vb/mms/15.05.2017/3p/6c

ORDER MADE IN
W.P.(MD).No.7614 of 2017
24.04.2017