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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD) No.8132 of 2017

P.Kandasamy

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Rep. By its Managing Director,
Kumbakonam.

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

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the Respondents to refix and revise the petitioner's pay for the period from 01.09.2013 to 12.11.2013 based on the terms of settlement dated 13.04.2015 entered under section 12(3) of Industrial Disputes Act, 1947 by giving pay revision at the rate of 5.5% and further directing the Respondents to pay him the difference amount in his salary for the period from 01.09.2013 to 12.11.2013 and to pay difference in his retirement benefits including monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable from 13.11.2013 to till date together with interest at the rate of 18% per annum based on the said settlement.

For Petitioner
For R1 and R2

: Mr.A.Rahul
: Mr.D.Sivaraman,
Standing Counsel for TNSTC

: Mr.A.P.Muthupandian,
Standing Counsel for TNSTC

**O R D E R**

The petitioner was employed as "Driving Instructor" in the respondents Corporation and he retired from service on 12.11.2013, on Voluntary Retirement Scheme.

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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(CSII)

/TRUE COPY/

Sub Assistant Registrar



To

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

+1 cc to MR.A.Rahul , ADVOCATE, SR NO: 54881

+1 cc to MR.D.Sivaraman , ADVOCATE, SR NO: 54631

JAM/11.05.17/MSA/SAR 3 / 3p-4c

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