



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2016

CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.21669 of 2016

S.Issac Raj

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Corporate Office,
V.M.Vhathiram,
KTC Nagar, Tirunelveli,
Tirunelveli Taluk & District - 627 003.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.

3.The Administrator,
Tamil Nadu State Transport corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity- Rs. 4 38 900/- b. Earned Leave- 61 1/2 days c.Medical Leave d.Commuted Value of Pension e.Provident Fund f.Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest.

For Petitioner : Mr.N.Sudhagar Nagaraj
For RR - 1 & 2 : Mr.K.Sathiyasingh
For R - 3 : Mr.A.P.Muthupandian

ORDER

You can be young without money but you can't be old without it.
..Tennessee Williams

So pleads the petitioner, praying for disbursement of retirement benefits.



The petitioner was employed as Special Driver in the respondent corporation and he retired from service on 31.03.2014 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 12 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.

4. In these circumstances, the 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 1st week of January, 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.

5. 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 (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Corporate Office, V.M.Vhathiram, KTC Nagar, Tirunelveli,
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Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

+1 CC to Mr.K.SATHIYA SINGH, Advocate, SR No.68158

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate, SR No.68103

W.P(MD)No.21669 of 2016

mj

SH/SKS-RR:23.11.2016:2P/6C