



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.21567 of 2018

P.Kesavan,
Son of Late.V.Panchavarnam,
Driver(Retired),
Staff No.6249,
State Express Transport Corporation(Tamil Nadu)Limited,
Madurai Branch,

Residing at

9-8-8 Old Palpannai Street,
Bodinaickanpatti,
Vadipatti Post,
Madurai - 625 218.

... Petitioner

vs.

1. The State Express Transport Corporation
(Tamil Nadu)Limited,
represented by its Managing Director,
Pallavan Salai,
Chennai-02.
2. The General Manager,
The State Express Corporation
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai-02.
3. The Administrator,
Tamil Nadu Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to compute and pay the Petitioner's entire eligible terminal benefits payable to him including monthly pension, Gratuity, commuted value of Pension, Earned Leave Salary, Refund of the Contribution made to the Medical, Engineering and Polytechnic Colleges based on settlement under Section 12(3) of the Industrial Disputes Act, dated 4.1.2018 together with interest at



the rate of 18% per annum from the date of his retirement to till the date of payment within the time fixed by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Sathiya Singh
1 to 3 Standing Counsel for TNSTC

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ORDER

The petitioner was employed as Driver in the respondents Corporation and he retired from service on 31.05.2017 on attaining 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 instalments 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 instalment.

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 instalments;

ii)The first installment shall commence by making payment on or before the 10th December 2018 and the amount in each of the remaining instalments 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 instalments, 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 (CO)

/True Copy/



To

1. The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai-02.
2. The General Manager,
The State Express Corporation
(Tamil Nadu) Limited,
Pallavan Salai,
Chennai-02.
3. The Administrator,
Tamil Nadu Transport Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 91649
+ 1 CC TO Mr.K.SATHIYASINGH, ADVOCATE IN SR No. 91022

VSN

TE/SV/SAR-4 : 20/11/2018 : 3P/6C

W.P (MD) No.21567 of 2018
22.10.2018