



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs. JUSTICE R.THARANI

W.A. (MD) .Nos.250 and 371 of 2018
and
C.M.P. (MD) No.1470 of 2018
in
W.P. (MD) No.30 of 2011

W.A. (MD) No.371 of 2018:

S.Selvaraj ... Appellant/Petitioner

Vs.

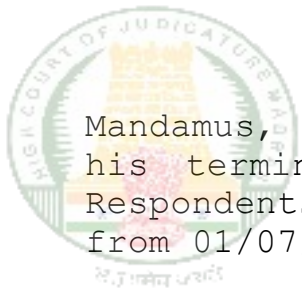
1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
Rep. by its Managing Director,
Kumbakonam.
 2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvallurvar Illam,
Anna Salai,
Chennai-2.
- ... Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the portion of the order of the learned Judge dated 14.11.2016 in W.P. (MD) No.30 of 2011 in so far as not ordering for interest and to allow the writ petition as prayed for by directing the respondents to pay interest at the rate of 16% p.a. for delayed payment of terminal and pension benefits and further directing the first respondent to refund the amount of Rs.1.20.066.67 recovered from the appellant with interest at the rate of 16% p.a.

Prayer in WP (MD). 30/ 2011 :

<https://hcservices.ecourts.gov.in/hcservices/>

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Mandamus, directing the 1st Respondent to pay the petitioner all his terminal benefits with 16% interest and further directing Respondents to pay him pension under TNSTCEPF rules with arrears from 01/07/10 with 16% interest and thus render justice.

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For Appellant : Mr.S.Arunachalam
For Respondents 1 and 2 : Mr.D.Sivaraman

W.A. (MD)No.250 of 2018:

The Management of
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Rep. by its Managing Director,
Kumbakonam. ... Appellant

Vs.

1.S.Selvaraj
2.The Administrator,
The Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002. ... Respondents

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.30 of 2011 dated 14.11.2016.

Prayer in WP(MD). 30/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 1st Respondent to pay the petitioner all his terminal benefits with 16% interest and further directing Respondents to pay him pension under TNSTCEPF rules with arrears from 01/07/10 with 16% interest and thus render justice.

For Appellant : Mr.D.Sivaraman
For Respondent 1 : Mr.S.Arunachalam

COMMON JUDGMENT

(Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**)

Heard Mr.S.Arunachalam, learned counsel appearing for the workman and Mr.D.Sivaraman, learned Standing counsel appearing for the Tamil Nadu State Transport Corporation.



2. These appeals, by both the Transport Corporation and the workman are directed against the order made in W.P.(MD)No.30 of 2011 dated 14.11.2016. The said writ petition was filed by the respondent Transport Corporation to direct the Transport Corporation to pay all of his terminal benefits at a rate of 6% interest per annum and also direct the Transport Corporation to pay pension as per relevant rules along with arrears from 01.07.2010 with 16% interest. The writ petition was disposed of by an order dated 14.11.2016, directing the Transport Corporation to pay the terminal benefits and pension payable under relevant rules with arrears from 01.07.2010. The workman has filed a separate writ appeal, as against the portion of the order passed by the Writ Court, not granting interest on the terminal benefits. We have heard both the appeals together.

3. It is not disputed by the learned counsel on either side that the issue involved in the writ petition is squarely covered with the decision of this Court rendered in the case of the Management of Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., In W.A.(MD)No.465 of 2017, etc., batch dated 30.06.2017. The question involved is whether the Management was entitled to recover the monitory value, which is equivalent to the punishment of stoppage of increment order, to be withheld and recovered from the terminal benefits of the workman. The Court considered the submissions and by the judgment dated 30.06.2017, dismissed the appeals filed by the Management and the appeals filed by the workman were partly allowed and simple interest was directed to be paid at the rate of 6% per annum and if there is delay in payment of the amount, the interest should be paid at the rate of 18% per annum.

4. Thus, following the above referred decision, the appeal filed by the Management is required to be dismissed and the writ appeal filed by the workman has to be partly allowed.

5. The learned counsel for the appellant Management pointed out that so far as the amount payable to workman is concerned, most of the dues have been settled and as to what is required to be paid is Rs.1,20,062/- (Rupees One Lakhs Twenty Thousand and Sixty Two only).

6. Since the aforesaid decision was rendered by the Division Bench, in which one of us (T.S.S., J.) was a party, directing the payment of interest at a rate of 6% per annum, the said order should enure to the benefit of the respondent workman also. Accordingly, the respondent workman is entitled to interest of 6% for belated payment of the amount which has already been paid and a sum of Rs.1,20,062/-. He shall be treated on par with other workman P. Sundaram and others. In the light of the above discussion, Writ Appeal(MD)No.250 of 2018 filed by the



Management fails and is dismissed and Writ Appeal (MD) No. 371 of 2018 filed by the workman is partly allowed to the extent indicated above. No Costs. Consequently, C.M.P. (MD) No. 1470 of 2018 is closed.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,
Kumbakonam Region,
Rep. by its Managing Director,
Kumbakonam.

2. The Administrator,
Tamil Nadu State Transport Employees Pension Fund Trust,
Thiruvallurvar Illam,
Anna Salai,
Chennai-2.

+ 1 cc TO Mr. D. Sivaraman, Advocate in SR No. 54219

+ 1 cc TO Mr. S. Arunachalam, Advocate in SR No. 53740

mrn

AE/SKN RSK/SAR4/03.04.2018/4P/5C

W.A. (MD) .Nos. 250 and 371 of 2018
07.03.2018