



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.10.2018

C O R A M

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.22159 of 2018

—

Saratha

... Petitioner

Vs.

1.The Secretary to the Government,
Transport Department, Government of Tamilnadu,
Fort St.George, Chennai - 9.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Limit, Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Tili Limited), Tirunelveli Division, Tirunelveli.

4.The Administrative Officer, Pension Trust,
State Express Transport Corporation Compound,
Palaru Salai, Madras

... Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the respondents to compute and disburse full pension and all the retirement benefits by including the entire period from 29.06.1983 to 22.02.2011, by including the period of dismissal from 16.12.1992 to 18.06.2001 as continuity in service and further direct the respondents to disburse the full correct pension arrears from March, 2011 to the petitioner.

For Petitioner	:Mr.K.R.Laxman
For Respondent-1	:Mr.K.Mu.Muthu
	Addl.Govt.Pleader
For Respondent 4	:Mr.A.P.Muthupandian
For Respondents 2 and 3	:MR. K. Sathiya Singh,

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to compute and disburse full pension and all the retirement benefits by including the entire period from 29.06.1983 to 22.02.2011, by including the period of dismissal from 16.12.1992 to 18.06.2001 as continuity in service and further direct the respondents to disburse the full correct pension arrears from March, 2011 to the petitioner.

2. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

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 February 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(RTI)

/True Copy/

Sub Assistant Registrar(CS I)

mpk

To

1.The Secretary to the Government,
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4.The Administrative Officer,
Pension Trust, State Express Transport Corporation Compound,
Palaru Salai, Madras

1CC TO MR. K.R. LAXMAN, ADVOCATE SR 94138

1CC TO MR. K. SATHIYA SINGH, ADVOCATE SR 93817

1CC TO THE ADDITIONAL GOVERNMENT PLEADER SR 93880