



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P (MD) No. 21541 of 2018

WEB COPY

K. Rajasekaran,
Son of Krishnasamy,
Conductor Level-5 (Retired),
Staff No. 89CR2007/7713m
Tamil Nadu State Transport Corporation (Kumbakonam)
Limited,
Trichy Region,

Residing at

75/1, 4th Cross, Thirunagar,
Manachanallur,
Trichy District - 621 005.

... Petitioner

vs.

1. The State of Tamil Nadu,
represented by its Additional Chief Secretary
to Government and Chairman of State Transport
Undertakings,
Transport Department,
Fort St. George,
Chennai - 600 002.

2. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.

3. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.

4. The Administrator,
Tamil Nadu Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... 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



Provident Fund, Gratuity, Medical Leave Salary, Refund of Engineering, Medical, Polytechnic Colleges and Institute of Road Transport Contribution Amount, Commuted Value of Pension, Employees Social Protection Scheme and Terminal Leave salary by strictly adhering to the pay revision given under the settlement entered on 4.1.2018 under Section 12(3) of the Industrial Disputes Act 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 Respondent-1: Mr.R.Sethuraman
Special Government Pleader
For Respondents : Mr.D.Sivaraman
2 to 4

ORDER

The petitioner was employed as Conductor Level-5 in the respondents Corporation and he retired from service on 30.06.2018 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:-

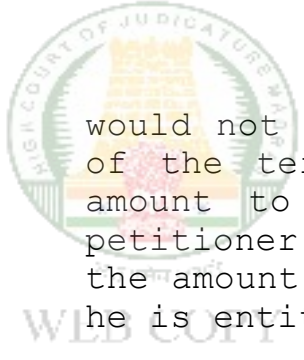
i)A direction is issued to the transport corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly instalments;

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;

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

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 (CS-III)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

- 1.The Additional Chief Secretary
to Government and Chairman of State Transport
Undertakings,
Government of Tamil Nadu,
Transport Department,
Fort St.George,
Chennai - 600 002.
- 2.The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
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The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.
- 4.The Administrator,
Tamil Nadu Transport Corporation Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

+ 1 CC TO MR.A.RAHUL, ADVOCATE IN SR NO.91648
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.91154
VSN
BU/SKN/SAR-IV :19.11.2018 : 3P/7C