



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2018

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THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

W.P. (MD) No.24441 of 2018

G.Somasundaram

... Petitioner

-vs-

1.The Government of Tamil Nadu,
represented by its
Additional Secretary to Government,
Transport Department, Secretariat,
Chennai-600 009.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumabakonam) Limite),
Periyamilaguparai, Trichy.

3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiurvalluvar House, Pallavan Salai,
Chennai-600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to settle

a. Payment of Gratuity	- Rs.8,45,465/-
b. Earned Leave	- Rs.3,98,528/-
c. Medical Leave	- Rs.1,54,429/-
d. Commutation of Pension	- Rs.7,16,557/-
	(Approximate)
e. Provident Fund	- Rs.7,83,271/-

and other retiral benefits payable to the petitioner with 18% rate of interest within the time framed that may be stipulated by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R1 : Mr.C.Ramar

Additional Government Pleader

For R2 and R3 : Mr.D.Sivaraman

O R D E R

The petitioner seeks a Writ of Mandamus, directing the respondents to settle his retirement benefits.

2.Mr.C.Ramar, learned Additional Government Pleader takes notice for the first respondent and Mr.D.Sivaraman, learned Standing counsel takes notice for the respondents 2 and 3.

3.The petitioner, who joined services of the respondents / Corporation on 11.12.1985 and retired from service on 31.05.2018, claiming that his pensionary benefits have not been settled, has come forward to this Court seeking a writ of Mandamus as aforesaid.

4.The learned counsel appearing for the petitioner relies upon the order of this Court in W.P.(MD).No.23897 of 2016, dated 14.12.2016. In the said order, the Hon'ble Mr.Justice S.Vaidayanathan had issued directions for payment of pensionary benefits in instalments relying upon the order of this Division Bench in W.A.(MD).No.383 to 457 of 2015, dated 12.06.2015.

5.In view of the same, 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 the 10th February 2019 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;

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/

Sub Assistant Registrar(CS-IV)



To

The Additional Secretary to Government,
Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai-600 009.

+1cc to Mr.N.Sudhagar Nagaraj Advocate in SR.No.93326
+1cc to Mr.D.Sivaraman Advocate in SR.No.99928

W.P. (MD) No.24441 of 2018
12.12.2018

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