



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P (MD) No.18764 of 2018

P.Rajamani

..Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam, 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 pay the arrears of pension for a period from January 2017 to March 2018, the pension and the gratuity amount has to be paid based on the settlement dated 13.04.2015 under Section 12(3) of I.D.Act, 1947, w.e.f., 01.09/2013 and the interest of 18% for the delayed payment of the retirement benefits payable to the petitioner within the time that may be stipulated by this Court.

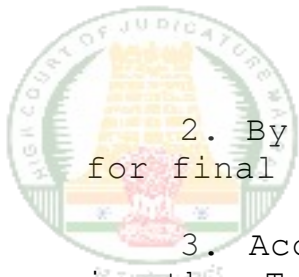
For Petitioner : Mr.G.M.Xavier

For Respondents: Mr.A.Jeyaram

Standing Counsel

O R D E R

The petitioner has come forward with this writ petition, for issuance of a Writ of mandamus, directing the respondent to pay the arrears of pension for a period from January 2017 to March 2018, the pension and the gratuity amount has to be paid based on the settlement dated 13.04.2015 under Section 12(3) of I.D.Act, 1947, w.e.f., 01.09/2013 and the interest of 18% for the delayed payment of the retirement benefits payable to the petitioner within the time that may be stipulated by this Court.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was employed as Conductor in the Tamil Nadu State Transport Corporation (Madurai) Ltd., Kambum-II Branch from 04.06.1993. Then, he was promoted as a Senior Grade Conductor and retired from service on 31.01.2017. The respondents have not settled the retirement benefits of the petitioner including Provident Fund, Gratuity payable to him with reasonable rate of interest with effect from 31.01.2017 as Senior Grade Conductor. The petitioner has earlier filed W.P.(MD)No.2595 of 2017 before this Court and this Court, directed the first respondent to settle the retirement benefits in 12 equal monthly installments. The first respondent did not comply with the said order of this Court. Hence, he filed Cont.P(MD)No.2391 of 2017 in W.P.(MD)No.2595 of 2017 before this Court. On 12.03.2018, the learned standing counsel appearing for the respondent submitted that the amount payable to the petitioner would be settled within a period of two months. Accordingly, the respondent has settled his retirement benefits. However, the arrears of pension for a period from January 2017 to March 2018 have not been paid till today. Further, the the pension and the gratuity amount has not been paid. Hence, the petitioner made a representation to the respondent. Since the representation has not been considered by the respondent, the petitioner is before this Court.

4. The learned counsel appearing for the respondents submitted that they have no objection to settle the retirement benefits including the arrears of pension for a period from January 2017 to March 2018, the pension and the gratuity amount etc., that are not paid to him, in 12 installments commencing from 1st November, 2018 together with monthly pension.

5. 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 installments 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 installment.

6. 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 installments commencing from 1st November, 2018, together



ii) The first installment shall commence by making payment on or before the 10th November 2018 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. "

7. This Court makes it clear that the monthly pension shall be paid periodically, if the petitioner is otherwise eligible. The respondents are willing to accept and extend the benefits from 1st November, 2018. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-I)

+ 1 CC TO MR.G.M.XAVIER, ADVOCATE IN SR NO.81099

+ 1 CC TO MR.A.JEYARAM, ADVOCATE IN SR NO.80969

SM

BU/SKN/SAR-1 :13.11.2018 : 3P/3C

W.P (MD) No.18764 of 2018
29.08.2018