



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.19178 OF 2018

K.Natarajan,
Staff No.2114,
(Special Grade Driver Leval-V-Retd.),
Son of Kumarasamy,
No.1-40, A2,Thorana Vilai,
Devicode, Vilavancode,
Udayamarthandam,
Kanyakumari District - 629 178.

... Petitioner

vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation(Tirunelveli)Limited,
Corporate Office,
V.M.Chathiram, KTC Nagar,
Tirunelveli,
Tirunelveli Taluk and District - 627 003.

3.The General Manager,
Tamil Nadu State Transport
Corporation(Tirunelveli)Limited,
Nagercoil Region,
Rani Thottam,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for the issuance of Writ of Mandamus
directing the respondents to settle

a.Payment of Gratuity	-Rs.7,65,935/-
b.Earned Leave	-127.5 days
c.Medical Leave	-10 days
d.Provident Fund	-Rs.6,40,543/-



e.Institute of Road and Transport Technology
(IRTT) Fund

e.Employees Retirement Benefit Scheme (ERBS)

and other retiral benefits payable to the Petitioner with reasonable rate of interest within the time frame fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondent-1 : Mr.M.Pandiarajan
Addl.Govt.Pleader
For Respondents : Mr.K.Sathiya Singh
2 and 3

ORDER

The petitioner was employed as Special Grade Driver Level-V in the third respondent Corporation and he retired from service on 31.03.2018 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.

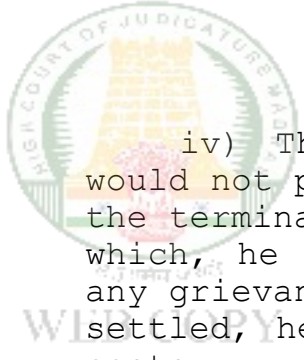
3.The First Bench of this Court in similar matter has passed an order dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015, issuing direction to the transport Corporations to settle the terminal benefits of its employees in equal monthly instalments and to pay 6% interest on the terminal benefits payable 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 November 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 (CO)

// True Copy //

Sub Assistant Registrar(CS-I)

To

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

+1 CC To MR.K.SATHIYA SINGH, Advocate SR. NO. 82351
+1 CC To MR.N.SUDHAGAR NAGARAJ, Advocate SR. NO. 82247
+1 CC TO The Special Government Pleader SR.NO. 82801

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VSN

TR/RSK/SAR-I (15.10.2018) 3P 5C