

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 18.09.2018****CORAM:****THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN****W.P. (MD) No. 19171 of 2018****WEB COPY**

G. Balasubramanian

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary and
Additional Chief Secretary to Government
and Chairman of State Transport Undertakings,
Transport Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

2. The Management of Tamil Nadu
State Transport Corporation
(Kumbakonam) Limited.,
Rep. by its Managing Director,
Kumbakonam.

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

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's terminal benefits including gratuity, earned leave salary, commuted value of pension and Provident fund amount and all other attendant benefits together with interest at the rate of 18% per annum payable from the date of his retirement ie., from 30.04.2018 to till the date on which the said benefits are settled to the petitioner.

For Petitioner
For Respondent-1

: Mr. A. Rahul
: Mr. K. Mu. Muthu
Addl. Govt. Pleader
: Mr. D. Sivaraman

For Respondents

O R D E R

The Writ Petition has been filed praying to issue a Writ of Mandamus, directing the respondents to settle the petitioner's terminal benefits including gratuity, earned leave salary, commuted value of pension and Provident fund amount and all other attendant benefits together with interest at the rate of 18% per annum payable from the date of his retirement ie., from 30.04.2018 to till the date on which the said benefits are settled to the petitioner.

2.The Petitioner, who was working as Conductor in the respondents transport Corporation, has filed this writ petition seeking for a direction to the respondents for the aforesaid relief.

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;

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/



To

The Tamil Nadu State Transport
Corporation (Kumbakonam Ltd.,
Rep.by its Managing Director,
Kumbakonam.

+1cc to Mr.A.Rahul, Advocate Sr.No.85311
+1cc to Spl.Government Pleader Sr.No.85194
+1cc to Mr.D.Sivaraman, Advocate Sr.No.85304

MPK

VB/RP/SAR4/16.10.2018/3P/5C

W.P. (MD) No.19171 of 2018
18.09.2018