



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.20285 of 2018

K.Radhakrishnan

... 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
(Tirunelveli)Limited,
Tirunelveli -11.

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

4.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... 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 terminal benefits payable to him including Provident Fund, Gratuity, Commuted Value E.L.Surrender by strictly adhering to the pay revision given under 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 stipulated by this Court.



For Petitioner : Mr.K.P.Krishnadoss

For Respondent-1: Mr.M.Pandiarajan
Addl.Govt.Pleader

For Respondents : Mr.K.Sathiya Singh
2 and 3 Standing Counsel for TNSCT

For Respondent-4: Mr.A.P.Muthupandian
Standing Counsel

ORDER

The petitioner was employed as Conductor in the respondents/ Corporation and he retired from service 31.7.2018 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 instalment 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.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS-II)

To

1.The Additional Chief Secretary to
Government and Chairman of State Transport
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Government of Tamil Nadu,
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Corporation Pension Fund Trust,
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.91885
+ 1 CC TO MR.K.P.KRISHNADOSS, ADVOCATE IN SR NO.91373
+ 1 CC TO MR.K.SATHIYA SINGH, ADVOCATE IN SR NO.91353

VSN

BU/SV/SAR-2:10.11.2018 : 3P/8C

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23.10.2018