



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2019

CORAM

THE HON'BLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.A. (MD) No.368 of 2019
and
C.M.P. (MD) No.3217 of 2019

K.Muthukamatchi Sekar ... Appellant/Petitioner

Vs.

- 1.The Management of
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Rep. by its General Manager,
Karaikudi.
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2. ... Respondents/Respondent

Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.3217 of 2019 dated 13.02.2019.

Prayer in WP(MD). 3217/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, directing the 1st respondents to pay the petitioner all his terminal benefits namely Gratuity, EPF Employees Contribution, Encashment of Earned Leaves, Employees Social Security Scheme Benefits, Bonus with Ex-Gratia payable for the year 2017-18, Refundable deposits and etc., forthwith together with 18% interest per annum, and further directing the respondents to pay him commuted value of pension under TNSTCE Pension Fund Rules, together with 18% interest per annum, within the time frame as fixed by this Court.

For Appellant : Mr.S.Arunachalam

For 1st Respondent : Mr.D.Sivaraman



JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR, J)

The appellant has filed a Writ Petition for issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner all his terminal benefits namely Gratuity, EPF Employee's Contribution, Encashment of Earned Leaves, Employee's Social Security Scheme Benefits, Bonus with ex-gratia payable for the year 2017-2018 and refundable deposits etc., forthwith together with 18% interest per annum, and further directing the respondents to pay the petitioner commuted value of pension under TNSTCE Pension Fund Rules, together with 18% interest per annum. The learned Single Judge allowed the Writ Petition with a direction to the respondents 1 and 2 to consider the appellant's representation dated 22.01.2019, on the basis of 12(3) Settlement dated 13.04.2015 and also in the light of any other subsequent settlement and thereafter, pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of that order. Aggrieved by the general direction, the appellant has preferred the above appeal.

2.The learned counsel appearing for the appellant as well as the first respondent agreed that this Court has earlier passed orders directing the respondent Transport Corporation to settle the terminal benefits in 12 equal monthly instalments. The appellant also agreed for such a direction to the respondent Transport Corporation to pay the terminal benefits in a time bound manner. The learned counsel for the appellant further requested this Court to direct the respondents to pay the Employees' Provident Fund Contribution, which was deducted from the appellant forthwith.

3.Though the learned counsel appearing for the first respondent expressed some difficulty, the request of the appellant is fair. Having regard to the fact that the appellant has retired from service on 31.07.2018 and that the terminal benefits has not been paid so far, the Writ Appeal is disposed of with the following directions:

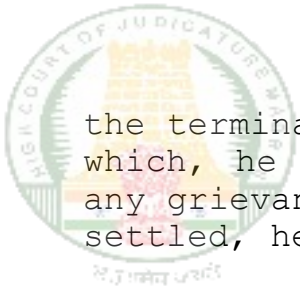
(i) The Transport Corporation viz., the first respondent is directed to settle the Employees' Provident Fund Contribution of the appellant within four weeks from today.

(ii) 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;

(iii) The first installment shall commence by making payment on or before 10th of May 2019 and each of the remaining installments shall be paid on or before 10th of every succeeding month;

(iv) The said terminal benefits 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;

(v) 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

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The General Manager,
Management of Tamilnadu State
Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.
- 2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2.

+1. C.C. to M/S.D.SIVARAM, Advocate SR.No. 57903

W.A. (MD) No.368 of 2019
29.03.2019

SJ
JM/23.04.2019/3P/4C