



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.10095 of 2019

M.Shanmuganathan

... Petitioner

Vs.

1. The Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Limited,
Rep. by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Nagapattinam Region,
Nagapattinam.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai -2.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle the petitioner's terminal benefits including gratuity, provident fund, commuted value of pension, Cholan Employees Security Scheme amount and refund of his contribution made towards Medical, Engineering, Polytechnic Colleges and Institute of Road Transport and all other attendant benefits together with interest at the rate of 18% per annum payable from the date of his retirement i.e., from 31.01.2019 to till the date on which the said benefits are settled to him.

For Petitioner	: Mr.A.Rahul
For Respondents	: Mr.D.Sivaraman

O R D E R

Seeking a direction to the respondents to settle the entire terminal benefits, the petitioner is before this Court.

2.Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel, who takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.



3. According to the petitioner, he retired from service on 31.01.2019. Claiming that his pensionary benefits have not been settled in entirety, he has come forward with this Writ Petition, seeking a writ of Mandamus as aforesaid.

4. The learned counsel appearing for the petitioner relied upon the order of this Court in W.P.(MD).No.23897 of 2016, dated 14.12.2016, wherein, this Court had issued directions for payment of pensionary benefits in installments based on the order of the Division Bench in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015. Hence, the learned counsel prayed for a similar order in this writ petition as well, for which, the learned counsel appearing for the respondents has no serious objection.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and following the aforesaid order, 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;-

ii) The first installment shall commence by making payment on or before the 10th June, 2019 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amounts 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. While granting such relief, the pay revision given under settlement shall also be considered.

sd/
Assistant Registrar(AE)

/True Copy/



To

1. The Managing Director,
The Management of Tamil Nadu,
State Transport Corporation
(Kumbakonam) Limited, Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Nagapattinam Region, Nagapattinam.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai -2.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-62515[F] dated 25/04/2019)
+1 CC to Mr.A.RAHUL, Advocate (SR-62844[F] dated 26/04/2019)

W.P(MD) No.10095 of 2019
25.04.2019

mj

MK/17.06.2019/3P/6C