



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2019

CORAM

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

WP(MD)No.10746 of 2019

K.Sundaralingam

... Petitioner

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation,
Post Box No.46,
New Road, Railway Station,
Kumbakonam, Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
Head Office,
Kumbakonam, Thanjavur District.
- 3.The Deputy Manager,
Personal Accounts Section,
Tamil Nadu State Transport Corporation,
Head Office, Kumbakonam, Thanjavur District.
- 4.The Assistant Manager (Labour),
(Kumbakonam Limited),
Tamil Nadu State Transport Corporation,
Head Office,
Kumbakonam, Thanjavur District.
- 5.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Peravurani Branch,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to disburse the retirement and other benefits to the petitioner in the light of the settlement entered on 04.01.2018 under section 12 (3) of the Industrial Dispute Act based on the G.O.Ms.No. 160 of Transport Department dated 03.05.2018.

For Petitioner
For Respondents

: Mr.A.Rajkumar Sen
: Mr.P.Balasubramanian

ORDER

The petitioner seeks a Writ of Mandamus, directing the respondents to disburse the retirement and other benefits to the petitioner in the light of the settlement entered on 04.01.2018 under section 12(3) of the Industrial Dispute Act based on the G.O.Ms.No. 160 of Transport Department dated 03.05.2018.



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

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3. According to the petitioner, he retired from service on 30.04.2018. Claiming that his pensionary benefits have not been settled, he has come forward with this Writ Petition, seeking a writ of Mandamus as aforesaid.

4. The learned counsel appearing for the petitioner relies upon the order of this Court in W.P.(MD).No.23897 of 2016, dated 14.12.2016. In the said order, this Court had issued directions for payment of pensionary benefits in installments relying upon the order of the Division Bench in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015.

5. In view of the same, the 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 entered on 04.01.2018 shall also be considered. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar(CS)



To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
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5.The Branch Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam Limited),
Peravurani Branch,
Thanjavur District.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-63847[F] dated
29/04/2019)

+1 CC to M/s.A.RAJKUMAR SEN, Advocate (SR-64205[F] dated 30/04/2019
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CS: 27/05/2019/3P/8C