



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WP (MD) No.21573 of 2018

P.Sengayan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Additional Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Periyamilaguparai, Trichy.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees 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 issuance of a Writ of Mandamus, to direct the respondents to settle a) Payment of Gratuity - Rs.8,67,688/-, b) Earned Leave - Rs.4,52,912/-, c) Medical Leave - Rs.96,244/-, d) Commutation of Pension -Rs.7,84,430/-, e) Provident Fund - Rs.6,80,666/- and other retiral benefits payable to the petitioner with 18% rate of interest within the time frame that may be stipulated by this Court.

For Petitioner	: Mr.N.Sudhagar Nagaraj
For Respondent	: Mrs.J.Padvamathy Devi
No.1	Special Government Pleader
For Respondent	: Mr.D.Sivaraman
Nos.2 & 3	

ORDER

The petitioner seeks a Writ of Mandamus, directing the respondents to settle a) Payment of Gratuity - Rs.8,67,688/-, b) Earned Leave - Rs.4,52,912/-, c) Medical Leave - Rs.96,244/-, d) Commutation of Pension -Rs.7,84,430/-, e) Provident Fund - Rs.6,80,666/- and other retiral benefits payable to the petitioner with 18% rate of interest within the time frame that may be stipulated by this Court.

3.The petitioner 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 April, 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. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

dsk

To

1. The Additional Secretary to Government,
Transport Department, Secretariat,
Chennai - 600 009.



2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Periyamilaguparai, Trichy.

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

+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No.51491

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 50818

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 51066

ORDER MADE IN
WP (MD) No.21573 of 2018
28.02.2019

TR (02.04.2019) 3P 7C