



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2019

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN

WP (MD) No.5887 of 2019

WEB COPY

R.S.Rajendran

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam - 612 001.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to revise the petitioner's pay as per the settlement under section 12(3) Settlement dated 04/01/2018 with retrospective effect from 01/09/2016 and consequently directing the respondents to revise and refix the petitioner's retirement benefits and to disburse difference amount in the petitioner monthly pension, commuted value of pension, gratuity, earned leave salary and also DA arrears and differentiate of 148% of DA payments not included in the petitioner's salary with interest at the rate of 18% per annum payable from 01.09.2016 to till the date of actual payment.

For Petitioner : Mr.S.Royce Immanuel

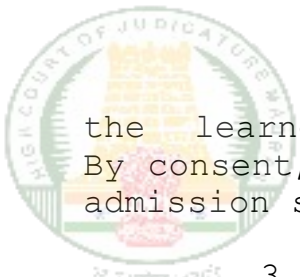
For Respondents : Mr.D.Sivaraman

O R D E R

This writ petition has been filed seeking a direction to the respondents to revise the petitioner pay as per the settlement dated 04.01.2018 under section 12(3) with retrospective effect from 01.09.2016 and consequently direct the respondents to revise the retirement benefits and to disburse difference amount in the petitioner's monthly pension, commuted value of pension, gratuity, earned leave salary and DA arrears etc.,

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned Counsel appearing for the petitioner and



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

3. According to the learned counsel for the petitioner, the petitioner retired from service on 30.09.2014. Claiming that his pensionary benefits have not been settled, he has come forward with this Writ Petition. The learned counsel submitted that the issue involved herein is covered by 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, relying upon the judgment of the Division Bench in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015.

4. The said submission has not been refuted by the learned counsel for the respondents.

5. In the light of 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 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. While granting such relief, the pay revision given under settlement entered on 04.01.2018 shall also be considered, if the petitioner is found eligible."

No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Managing Director,
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Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam - 612 001.

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

+1cc to Mr.S.ROYCE IMMANUEL, Advocate, SR.No. 53622

+1cc to Mr.D.Sivaraman, Advocate, SR.No. 53688

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MJ

KK/SAR/09.04.2019/ 3P- 5C