



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

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WEB COPY

THE HON'BLE Mr.JUSTICE R.MAHADEVAN

WP (MD) No.8684 of 2019

V.Kaliyaperumal

... Petitioner

-vs-

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
The 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-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 compute and pay the petitioner's entire eligible terminal benefits payable to him including Provident Fund, Gratuity, Commuted Value of pension and Terminal Leave Salary together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman, Standing Counsel
for TNSTC**O R D E R**

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.

2.The petitioner, who retired from service on 31.08.2018, claiming that his terminal benefits have not been settled, has come



forward with this Writ Petition, seeking a writ of Mandamus, directing the respondents to compute and pay his terminal benefits including Provident Fund, Gratuity, Commuted Value of Pension and Leave Salary along with interest at the rate of 18% per annum.

3. 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 and submitted that the pension is not a bounty, but is a legally enforceable right and the employer is bound to disburse the same immediately, failing which, they shall pay interest for the belated payment.

4. The learned counsel appearing for the respondents fairly conceded the submission so made by the learned counsel for the petitioner.

5. In the said order, this Court had issued directions for payment of pensionary benefits in installments relying upon the order of the Division Bench of this Court in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015.

6. Following the aforesaid order, the Writ Petition is disposed of with the following directions:-

i). The respondent Transport Corporation shall 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 May, 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. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //



To

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam.

2. The General Manager,
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Nagapattinam.

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

+1CC TO MR.A.RAHUL, Advocate Sr. No.60866

+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 60450

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SCR(CO)

TR (30.04.2019) 3P 6C