



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.9852 of 2019

WEB COPY

R.Muthuraj

... Petitioner

Vs.

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

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the 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, Refund of Engineering, Medical, Polytechnic colleges and Institute of Road Transport Contribution amount, social security scheme amount 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 stipulated by this Court.

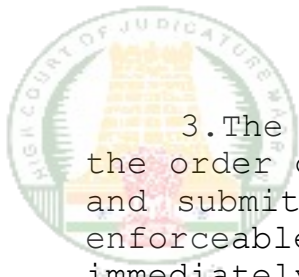
For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Sathya Singh

ORDER

Heard the learned counsel appearing for the petitioner and the learned 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 30.06.2018, 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, Refund of Engineering, Medical, Polytechnic colleges and Institute of Road Transport Contribution amount, social security scheme amount and Terminal 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 dated 14.12.2016 passed in W.P(MD)No.23897 of 2016, 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 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. No costs.

sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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



2. The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli.

+1 CC to Mr.A.RAHUL, Advocate (SR-62291[F] dated 24/04/2019)
+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-62314[F] dated
24/04/2019)

W.P (MD) No. 9852 of 2019
24.04.2019

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