



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.17480 of 2019

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R.Andrews

... Petitioner

Vs.

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
No.19, Trivandrum Road,
Vannarapettai Post,
Tirunelveli - 627 033.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
Nagercoil Zone,
Ranithottam,
Nagercoil - 629 001.

4.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, directing the respondents to settle (a) Payment of Gratuity - Rs.7,03,050/-; (b) Earned Leave - 62 days; (c) Medical Leave - 26 days; (d) Payment of Commuted Value of Pension; (e) Dearness Allowance; (f) Provident Fund - Rs.5,57,296/- and other retiral benefits payable to the petitioner, with reasonable rate of interest, within a time frame to be fixed by this Court.

For Petitioner

: Mr.N.Sudhagar Nagaraj

For R1

: Mr.M.Pandiarajan

Additional Government Pleader

For R2 to R4

: Mr.K.Sathiya Singh

Standing Counsel

**ORDER**

This Writ Petition is filed seeking a direction to the respondents to settle (a) Payment of Gratuity - Rs.7,03,050/-; (b) Earned Leave - 62 days; (c) Medical Leave - 26 days; (d) Payment of Commuted Value of Pension; (e) Dearness Allowance; (f) Provident Fund - Rs.5,57,296/- and other retiral benefits payable to the petitioner, with reasonable rate of interest, within a time frame to be fixed by this Court.

2.Mr.M.Pandiarajan, learned Additional Government Pleader, takes notice for the first respondent. Mr.K.Sathiya Singh, learned Standing Counsel, takes notice for the respondents 2 to 4. By consent of both parties, this Writ Petition is taken up for disposal at the stage of admission itself.

3.The case of the petitioner is that he retired from service on 31.01.2019. Claiming that his pensionary benefits have not been settled, he has come forward with this Writ Petition for the relief stated supra.

4.In support of the claim of the petitioner, the learned counsel appearing for the petitioner relied upon the order of this Court in W.P.(MD)No.10274 of 2019, dated 26.04.2019. In the said order, this Court issued directions for payment of pensionary benefits in installments. Hence, the learned counsel prayed for a similar order in this Writ Petition as well, for which, the learned Standing Counsel appearing for the respondents 2 to 4 has no serious objection.

5. In view of the above submissions, 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 10th September 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 Judgment of the Division Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015, dated 12.06.2015. 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. That apart, 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.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.,
No.19, Trivandrum Road,
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3.The General Manager,
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4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1 CC to Mr.N.SUDHAGAR NAGARAJ, Advocate (SR-80684[F] dated 08/08/2019)

+1 CC to Mr.K.SATHIYA SINGH, Advocate (SR-81034[F] dated 09/08/2019)

+1 CC to SPL GP (SR-81139[F] dated 09/08/2019)

W.P (MD) No.17480 of 2019
08.08.2019

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