



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM:

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU**

W.P.(MD) No.26978 of 2019

and

WMP(MD) No.23339 of 2019

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J.Rajendran

:Petitioner

Vs

1. The Management

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd

Trichy Region

Rep by its General Manager,

Trichy

2. The Administrator

Tamil Nadu State Transport Corporation Pension Fund Trust

Thiruvalluvar Illam

Anna Salai

Chennai -600 002.

:Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the first respondent to settle and pay all the terminal benefits namely Gratuity, Encashment of Earned Leaves, Social Security Scheme benefit, etc., forthwith together with 18% interest per annum, and further directing the respondents to pay pension payable for the period from February 2019 and Commutated value of pension under TNSTCE Pension Fund Rules together with 18% interest per annum, within a time frame fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondents : For R1- Mr.P.Balasubramaniam  
For R2- Mr.A.Swaminathan

### **O R D E R**

This writ petition is filed to direct the first respondent to settle all the terminal benefits together with 18% interest per annum and further directing the respondents to pay pension payable for the period from February 2019 and commutated value of pension under TNSTCE Pension Fund Rules, within a time frame as stipulated by this Court.

2. Mr.P.Balasubramaniam and Mr.A.Swaminathan, learned counsel take notice for the respondents 1 & 2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



3. According to the petitioner, he was appointed as 'Permanent Conductor' in the 1<sup>st</sup> respondent Corporation on 02.07.1992 and retired from service on 31.01.2019 on attaining the age of superannuation. The grievance of the petitioner is that even after completion of eight months and inspite of his continuous requests, he is not yet been settled with his terminal pension benefits under TNSTCEPF Rules. Finally, he has sent a representation to the first respondent corporation on 15.10.2019, to release all his terminal and pension benefits, but so far no action has been taken by the respondents. Hence, the petitioner has come up with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. The learned counsel appearing for the petitioner would submit that the petitioner is entitled to the amount payable by the respondents immediately together with interest at the rate of 18% per annum. This Court in similar matter as in W.P(MD) No.24572 of 2018 has passed order in favour of the employee.

6. Mr.P.Balasubramaniam, the learned Standing counsel takes notice for the respondents and prayed for settling out the amount in twelve equal monthly installments. Therefore, the petitioner herein is also entitled for the same relief.

7. In the light of the above, the following directions are hereby issued:-

- i. A Direction is issued to the respondents / 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 10<sup>th</sup> January, 2020 and the amount in each of the remaining installments shall be paid on or before 10<sup>th</sup> of every succeeding month;
- iii. The said terminal amount shall carry interest at the rate of 6% per annum, as per the Division Bench Judgment 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, they are entitled to receive.



8. With the above directions, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ( )

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The General Manager,  
The Management  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd  
Trichy Region  
Trichy
2. The Administrator  
Tamil Nadu State Transport Corporation Pension Fund Trust  
Thiruvalluvar Illam  
Anna Salai  
Chennai -600 002.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate ( SR-106402[F] dated 20/12/2019 )

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**WMP(MD) No.23339 of 2019**  
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VB(07.01.2020) 3P 4C