

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.22921 of 2015

S.Kalaiselvan

...Petitioner

vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Vazhuthareddy,
Villupuram - 605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Kancheepuram Region, Kancheepuram.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai - 600 002.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to settle the petitioners retirement benefits including Leave Salary gratuity Dearness Allowance arrears and all other attendant retirement benefits etc. with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12 per annum for the belated settlement of retirement benefits including the commuted value of pension social security scheme arrears Provident Fund refund of Institute of road transport arrears etc. to the petitioner payable from the date of retirement i.e. 31.08.2014 to till date of actual payment to the petitioner.

For Petitioner : Mr.M.Selvam

O R D E R

The petitioner was an employee of the respondent Corporation. He retired from service on 31.08.2014. According to the petitioner, he is not paid terminal benefits. He seeks relief in terms of the judgment, dated 12.06.2015 of the Division Bench made in W.A. No.383 of 2015 and batch.

2. The relevant passages of the judgment, dated 12.06.2015 are extracted hereunder:-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.Tewari (D) Thr. LRS. vs. Uttar Haryana Bijli Vitran Nigam Ltd., & Ors (2014) (9) Scale 78), wherein, it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

3. In view of the fact that the petitioner is also similarly situated like that of the appellants in the writ appeal referred to above, this writ petition is also disposed of in terms of the order dated, 12.06.2015 in W.A.No.383 of 2015 and batch. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited, Kancheepuram Region, Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai - 600 002.

+1 cc to Mr.M.Selvam, Advocate, sr.38888

W.P.No.22921 of 2015