

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED 31.07.2015**

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**W.P.(MD)NO.12081 of 2015**

M.Bahirathan

..Petitioner

Vs

1.The Secretary,
Transport Department,
Secretariat, St.George Fort,
Chennai.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Karaikudi, Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 27.10.2014 and 10.07.2015.

For Petitioner :Mr. Senthil Dharmarajan

For Respondents :Mr.R.Anandha Raj
Government Advocate
for R.1: Mr.D.Sivaraman
for R.2 and R.3**ORDER**

When the matter is taken up for hearing, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment, passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015. He would further submit that the respondents would consider the request of the petitioner, in the light of the judgment passed by the Honourable Division Bench.

2. For ready reference, the judgment passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015 is extracted as follows:

"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 instalment should be paid on or before 7th of each month.

4.The writ appeals are disposed of accordingly. No costs."

3. Taking note of the fact that in the aforesaid judgment that the instalment has to be paid from July 2015 and that the instalment should be paid on or before 7th day of each month, the respondents are directed to commence instalments from September 2015 and pay the amount in installments as per the direction given by the Honourable Division Bench in the above said judgment.

4.The writ petition is disposed of with the above direction. There is no order as to costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

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To

1.The Secretary,

Transport Department, Secretariat, St.George Fort, Chennai.

2.The Managing Director,

Tamil Nadu State Transport Corporation,

(Kumbakonam) Limited, Kumbakonam, Thanjavur District.

3.The General Manager,

Tamil Nadu State Transport Corporation,

(Kumbakonam) Limited, Karaikudi, Sivagangai District.

+one cc to M/s.Senthil Dharmarajan, Advocate in SR.No.42925

+one cc to Mr.D.Sivaraman, Advocate in SR.No.42884

+one cc to The Special Government Pleader, SR.No. 43960

W.P. (MD) NO.12081 of 2015

31.07.2015

CSL 20/08/2015

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