



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 31.07.2015
CORAM
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
W.P. (MD) NO.12940 of 2015

WEB COPY

U.Subramanian

..Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonm) Ltd.,
New Railway Feeder Road,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Maruthupathi,
Karaikudi.

..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 settle the entire terminal benefits of Gratuity immediately with interest at the rate of 12% from the date of the petitioner's retirement on 30.06.2013.

For Petitioner : Mr. K.S.Muthu

For Respondents : Mr.D.Sivaraman

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 (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Feeder Road, Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region, Maruthupathi,
Karaikudi.

+ 1 CC TO MR.D.SIVARAMAN, ADVOCATE SR NO. 42837

SSL

TE:18/08/2015 : 2P/4C