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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2015

CORAM

THE HONOURABLE MR.JUSTICE **T.RAJA**

Writ Petition (MD) No.13905 of 2015

A.Ramkumar

.. Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road,
Madurai - 10.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

..Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to settle the retirement benefits such as Gratuity , Commuted Value of Pension, Leave Salary, Social Security Scheme Amount and all other attendant benefits along with 18% interest per annum and further directing the respondents for payment of interest alone at the rate of 18% per annum on the belated payment of Provident Fund and for refund of Deposit from the Institute of Road Transport and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Petitioner	: Mr.S.Govindan
For Respondents	: Mr.A.Jeyaraman

ORDER

The petitioner/A.Ramkumar is seeking a Mandamus directing the respondents to settle the retirement benefits such as Gratuity, Commuted Value of Pension, Leave Salary, Social Security Scheme Amount and all other attendant benefits along with 18% interest per annum and further directing the respondents for payment of interest alone at the rate of 18% per annum on the belated payment of Provident Fund and for refund of Deposit from the Institute of Road Transport.



2. The petitioner was appointed as Accounts Trainee in the respondent Corporation on temporary basis. After reaching in the post of Selection Grade Assistant Manager, he was allowed to go on Voluntary Retirement by order dated 16.07.2014 passed by the first respondent. But the grievance of the petitioner is that till date, the respondent Corporation has not settled the retirement benefits.

3. In similar circumstances, the Hon'ble Division Bench of this Court while disposing of the batch of writ appeals in W.A(MD)Nos.383 to 457 of 2015, by an order dated 12.06.2015 issued a direction to pay the retirement benefits by way of instalments. The relevant portion of the said judgment reads as follows:-

"2.The said statement is thus taken on records 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."

4. The learned counsel appearing for the petitioner would submit that the petitioner's case may be considered in the light of the above said decision, since the issue involved in this writ petition has already been answered in the above said decision by the Hon'ble Division Bench of this Court.

5. Considering the facts and circumstances of the case and also considering the fact that the issue involved in this writ petition has already been answered by the Hon'ble Division Bench of this Court, the Writ Petition is disposed of in the light of the above said decision. Accordingly, the retirement benefits of the petitioner are directed to be settled by way of instalments and the first instalments to be paid from October 2015 and each of the instalments should be paid on or before 7th of each month. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road,
Madurai - 10.

2.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 2.

+1cc to M/s.S.Govindan, Advocate Sr.No.44035

akm/17.08.2015 /2p-4c/

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