



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2015

C O R A M

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

W.P. (MD) No.14149 of 2015

P.Sundararaju

.. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., rep. by its Managing Director, Kumbakonam.

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

3.The Administrator, The Tamil Nadu State Transport Corporation Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai-600 002. ..Respondents

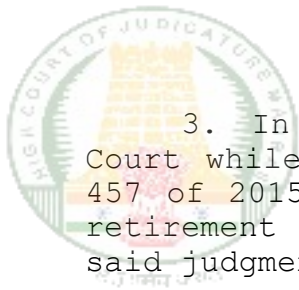
Prayer : Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay retirement benefits of the petitioner including Gratuity, Earned Leave salary, Medical Leave Salary accumulated till 1998, Surrender and Encashment of Unearned Leave Salary on Private Affairs for 90 days with interest at the rate of 18% per annum within the time that may be stipulated by this Hon'ble Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his Provident Fund, the commuted value of Pension and Refund of Institute of Road Transport contribution from the date of retirement to till the date of settlement within the time that may be stipulated by this Hon'ble Court and pass such further or other orders as this Hon'ble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman  
\*\*\*\*\***O R D E R**

The petitioner/P.Sundararaju has filed the present Writ Petition seeking a Writ of Mandamus directing the respondents to pay the retirement benefits to him.

2. It is stated that though the petitioner was allowed to retire from the service of the respondents, till date, the respondent Corporation has not settled the retirement benefits. Hence, the petitioner has come before this Court.



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 7<sup>th</sup> 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 7<sup>th</sup> of each month till the entire payment is made. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

skn

To

1. Managing Director, Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam.

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

3. The Administrator, The Tamil Nadu State Transport Corporation Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai-600 002.  
+1CC to M/S.S.Sivaraman ADV.Sr.No.46169

GJM 27.8.15-2P-5C