



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2015

C O R A M

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

Writ Petition(MD)No.14279 of 2015

R.Balakrishnan

.. Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Dindigul Region,
rep. by its General Manager,
Dindigul.

2.The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna 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 first respondents to pay to the petitioner Rs.7,79,019/- towards Gratuity and Rs.7,196/- towards Leave Salary together with 18% interest per annum from 01.03.2015 and further directing the respondents to pay him Rs.3,02,862/- towards the pension commutation amount together with 18% interest per annum from 01.03.2015 within a time frame as may be fixed by this Hon'ble Court award costs and thus render justice.

For Petitioner : Mr.S.Arunachalam

For Respondents : Mr.A.P.Muthupandian

O R D E R

The petitioner/R.Balakrishnan has filed the present Writ Petition seeking a Writ of Mandamus directing the respondents to pay to the petitioner Rs.7,79,019/- towards Gratuity and Rs.7,196/- towards Leave Salary together with 18% interest per annum from 01.03.2015 and further directing the respondents to pay him Rs.3,02,862/- towards the pension commutation amount together with 18% interest per annum from 01.03.2015



2. It is stated that though the petitioner was allowed to retire from the service of the first respondent, Tamil Nadu State Transport Corporation (Madurai Limited) on 28.02.2015 vide proceedings dated 25.02.2015 issued by the first respondent, till date, the respondents Corporation have 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 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 till the full payment is paid to the petitioner. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/



skn

To

1.The Management of
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
rep. by its General Manager,
Dindigul.

2.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

+one cc to M/s.A.P.Muthu Pandian, Advocate in SR.No.45686
+one cc to Mr.S.Arunachalam, Advocate in SR.No.45548

Writ Petition(MD)No.14279 of 2015
11.08.2015

CSL/NGM-SS/SAR-II/ 27/08/2015
3p/5c