



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)No.14306 of 2015

WEB COPY

B.Thavamani

.. Petitioner

Vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
rep. by its Managing Director, 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 respondent to pay to the petitioner Rs.7,18,276/- towards Gratuity and Rs.3,90,568/- towards Leave Salary together with 18% interest per annum from 01.02.14 and further directing the respondents to pay him Rs.2,95,328/- towards the Pension Commutation amount together with 18% interest per annum from 01.02.14 within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.A.P.Muthupandian

ORDER

The petitioner/B.Thavamani 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 installments. 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 installments, 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 installments to be paid from July 2015 and each installments 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 installments and the first installments to be paid from October 2015 and each of the installments should be paid on or before 7th of each month till the entire payment is made. No costs.

Sd/-
21/08/2015

FOR BEING MENTION

The matter having been posted on 15th day of September 2015 for being mentioned pursuant to the order of this court dated:21/08/2015 and made herein in the presence of the counsel or either side the court made the following orders:-

"Today, at the instance of the petitioner's counsel, this matter is taken up "for being mentioned".

Learned counsel for the petitioner would submit that the time limit given to comply with the order with regard to the payment of terminal benefit should be given 5 months instead of 12 months, since the petitioner's wife suffering cancer, for her treatment, it is going to be used, if it is settled at the earliest point of time.

This court agrees with the said submissions and reduces the period to 7 months instead of 12 months.

Accordingly the refinement benefit of the petitioner are directed to be settled by way of 7 equal installments and the first installment to be paid from October 2015 and each of the



installments should be paid on or before 7th of the each month till the entire payment is made".

WEB COPY

Assistant Registrar (Co)

To

1. The Managing Director,
Management of Tamil Nadu State Transport
Corporation (Madurai) Ltd., Dindigul.
 2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai-2.
- 1 CC TO MR.S.ARUNACHALAM, ADVOCATE IN SR NO. 48709/15
 - 1cc to Mr.A.P.Muthupandian, Advocate SR.No.54462

AM

TE/NGM-SS/SAR(PA) 08/09/2015 3P/4C
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