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.14511 of 2015

V.Ramakrishnan .. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd., rep. by its Managing Director, Byepass Road, Madurai - 625 010.

2.The General Manager, The Tamil Nadu State Transport Corporation (Madurai) Ltd., Byepass Road, Madurai - 625 010.

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 the Retirement Benefits including Gratuity Amount, Commuted Value of Pension, Unavailed Leave Salary and Post Retirement Benefit Scheme arrears amount with interest at the rate of 18 % per annum and also interest for the belated payment of Provident Fund amount, Social Security Scheme amount and Refund amount IRT (Institute of Road Transport) within the time limit that may be fixed by this Hon'ble Court 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.A.P.Muthupandian

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O R D E R

The petitioner/V.Ramakrishnan 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 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 entire payment is made. No costs.

Sd/-

Assistant Registrar(R)

/True Copy/

Sub-Assistant Registrar

To

1.The s Managing Director,The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai - 625 010.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai - 625 010.

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

+One cc to M/s.A.Rahul,Advocate, SR.No.46194

skn

RL/5 c- 3/9/2015 W.P(MD)No.14511 of 2015
13/08/2015