



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2015

CORAM:

THE HONOURABLE Mr. JUSTICE T. RAJA

W.P. (MD) Nos. 15663 and 15664 of 2015

W.P. (MD) No. 15663 of 2015:

M. Paulraj

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay Rs. 6,19,644/- towards gratuity and Rs. 2,53,839/- towards leave salary together with 18% interest per annum from 01.12.2013 and further direct the respondents to pay Rs. 2,86,790/- towards pension commutation amount together with 18% interest per annum from 01.12.2013 within a time frame fixed by this Court.

W.P. (MD) No. 15664 of 2015:

K. Easwaran

... Petitioner

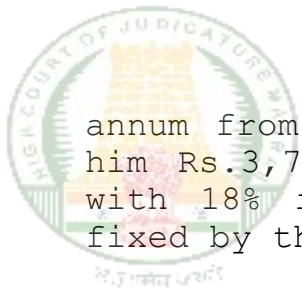
Vs.

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

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

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pay Rs. 7,20,000/- towards EPF, Rs. 9,10,000/- towards gratuity, Rs. 6,07,854/- towards leave salary together with 18% interest per



annum from 01.06.2015 and further directing the respondents to pay him Rs.3,73,380/- towards the pension commutation amount together with 18% interest per annum from 01.06.2015 within a time frame fixed by this Court.

For Petitioners : Mr.S.Arunachalam
For Respondents : Mr.A.Jeyaram

COMMON ORDER

The petitioners have been served in the Tamil Nadu State Transport Corporation, Madurai Division and they have retired from service on attaining the age of superannuation.

2.The grievance of the petitioners is that even after retirement, the respondent / Transport Corporation has not come forward to disburse the retirement benefits.

3.Mr.A.Jeyaram, learned standing counsel takes notice for the respondents / Transport Corporation. The learned standing counsel submitted that the issue is covered by a judgment, passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015. He would further submit that the respondents would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.

4.The judgment passed by the Honourable Division Bench in WA (MD).Nos.383 to 457 of 2015, dated 12.06.2015 is extracted as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2.The said statement is thus taken on record 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 instalment should be paid on or before 7th of each month.

4.The writ appeals are disposed of accordingly.
No costs."



5. Taking note of the aforesaid judgment, the instalment has to be paid from November 2015 and that the instalment should be paid on or before 7th day of each month, the respondents are directed to commence instalments from November, 2015 and pay the entire retirement benefits in 12 monthly installments.

The Writ petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

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

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

+One cc to Mr. S. Arunachalam, Advocate, SR.No. 50163

+one cc to Mr. A. Jeyaram, Advocate, SR.No. 49971

nbj

RL/5 c- 28/9/2015

W.P. (MD) No. W.P. (MD) Nos. 15663 and 15664 of 2015