



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2015

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P. (MD) No.16145 2015

N.Balarengan

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye pass road,
Madurai.

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

3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle retirement benefits of the petitioner including gratuity, commuted value of pension, post retirement scheme amount and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Court and further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of provident fund, refund of his contribution from Institute of Road Transport, Social Security Scheme amount.

For Petitioners : Mr.A.Rahul

For Respondents : Mr.A.P.Muthupandian

ORDER

The petitioner has been served in the Tamil Nadu State Transport Corporation, Madurai Division and he has retired from service on attaining the age of superannuation.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The grievance of the petitioner is that even after retirement, the respondent / Transport Corporation has not come forward to disburse the retirement benefits.



3.The 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 instalments.

The Writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/



To

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye pass road,
Madurai.

2.The General Manager,
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Madurai Region,
Madurai.

3.The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.A.Rahul, Advocate Sr.No.52352

+1cc to Mr.P.Muthupandian, Advocate Sr.No. 52647

nbj

AA/NGM-SS/30.09.2015/3p-6c

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