



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2015

CORAM:

THE HONOURABLE Mr. JUSTICE S. VAIDYANATHAN

W.P. (MD) Nos. 18479 to 18481 of 2014

K. Thangaraj	...	Petitioner in W.P. (MD) No. 18479/14
K. Subburam	...	Petitioner in W.P. (MD) No. 18480/14
A. Mohideen	...	Petitioner in W.P. (MD) No. 18481/14

Vs.

1. The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye pass Road,
Madurai 625 016.

... Respondent in all the W.P. Nos.
18479 and 18480 of 2014

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

... Respondent in W.P. (MD) No. 18481/14

PRAYER IN W.P. (MD) No. 18479 of 2014: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the petitioner surrender leave salary along with 18% interest within the stipulated period.

PRAYER IN W.P. (MD) No. 18480 of 2014: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the petitioner leave salary along with 18% interest within the stipulated period.

PRAYER IN W.P. (MD) No. 18481 of 2014: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay Pension Commutation, Gratuity and the surrender leave salary for the year 2010, 2011 and 2012 along with 18% interest within the stipulated period.

For Petitioners : Mr. C. Thangamani

For Respondents : Mr. A. Jeyaram

COMMON ORDER

When the matters are taken up for hearing, the learned Standing Counsel appearing for the respondent 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 request the respondent would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.



2. For ready reference, 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."

3. Taking note of the fact that in the aforesaid judgment that the instalment has to be paid from July 2015 and that the instalment should be paid on or before 7th day of each month, the respondent is directed to commence instalments from September, 2015 and pay the amount in installments as per the direction given by the Honourable Division Bench in the above said judgment.

4.The writ petitions are disposed of with the above direction. There is no order as to costs.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye pass Road,Madurai 625 016.

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

W.P. (MD) Nos.18479 to 18481 of 2014
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