



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.17211 of 2015

WEB COPY

M.Gurusamy

..Petitioner

Vs.

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

2.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 settle retirement benefits of the petitioner including gratuity, leave salary and all other attendant benefits with interest at the rate of 18% per annum within the time stipulated by this Court and further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of commuted value of pension, social security scheme amount and refund of institute of road transport contribution amount within the time fixed by this Court.

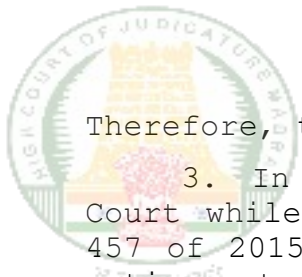
For Petitioner : Mr.A.Rahul
For Respondents : Mr.A.P.Muthupandian

ORDER

The petitioner/M.Gurusamy has filed the present Writ Petition seeking a Writ of Mandamus directing the respondents to settle retirement benefits of the petitioner including gratuity, leave salary and all other attendant benefits with interest at the rate of 18% per annum within the time stipulated by this Court and further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of commuted value of pension, social security scheme amount and refund of institute of road transport contribution amount within the time fixed by this Court.

2. The petitioner, who joined the Transport Corporation as Conductor on 01.05.1982, after getting promotion to the post of Senior Checking Inspector, had retired from service with effect from 31.03.2013 and he was also settled with the part of the retirement benefits. However, the following retirement benefits have not been settled:-

Sl.No.	Particulars	Amount
1.	Gratuity	Rs.5,10,098/-
2.	Leave Salary	Rs. 47,996/-
	Total	Rs.5,58,094/-



Therefore, the petitioner has come up 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 December 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(Writs)

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to M/s.A.P.Muthupandian, Advocate in SR.No.56547

+1cc to M/s.A.Rahul, Advocate in SR.No.56209

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PBK/NGM-SS/SAR-II 19/10/2015 ::2P-5C::

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