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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.09.2015

C O R A M
THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.17488 of 2015

M.Kannan .. Petitioner

Vs.

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

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, commuted value of pension, leave salary and post retirement benefit scheme amount and all other attendant benefits with interest at the rate of 18% per annum within the time stipulated by this Court and pass such further or other orders.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.A.Jeyaraman

ORDER

The petitioner/M.Kannan has filed the present Writ Petition seeking a Writ of Mandamus directing the respondents to pay the retirement benefits to him.

2. The petitioner, who joined the Transport Corporation as conductor on 29.07.1985, after getting promotion to the post of Senior Checking Inspector, had retired from service with effect from 31.01.2015, till date, the respondent Corporation has not settled the retirement benefits, such as, gratuity, leave salary and commuted value of pension. Therefore, a representation was given to the respondents, which has not been considered and hence, the petitioner has come up with these writ petitions.

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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(AS)

/True copy/

Sub Assistant Registrar

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To

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

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

+1cc to Mr.A.Rahul, Advocate SR NO.57065
+1cc to Mr.A.Jeyaram,Advocate Sr NO.57431

W.P(MD)No.17488 of 2015
29.09.2015

rg.19.10.2015/SK/SKN/SAR-II 3P/5C.

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