



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2015

CORAM:
THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17775 of 2015

S.G.Gopal

... 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 Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai-600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to settle retirement benefits of the petitioner including gratuity, 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 that may be stipulated by this Court further directing the respondents to pay interest at the rate of 18% per annum for the belated payment of provident fund, commuted value of pension, social security scheme amount and refund of institute of road transport contribution amount within the time limit may be fixed by this Court.

For Petitioner : Mr.A.Rahul

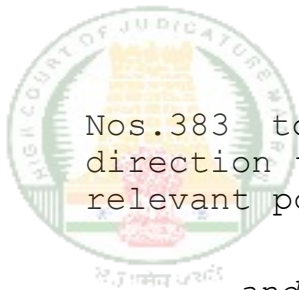
For Respondents : Mr.A.Jeyaraman, Standing Counsel

O R D E R

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

2. It is stated that though the petitioner was allowed to retire from the service of the respondent Corporation, till date the respondent Corporation has not settled the retirement benefits. Hence, the petitioner has come 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 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 instalment has 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. However, it is made clear that even though portion of retirement benefits, namely, provident fund and refund of institute of road transport contribution amount were settled with a delay of 31 days, the petitioner is not entitled for interest on the said belated payment as the delay is very meagre. No costs.

Sd/-

Assistant Registrar(AS)

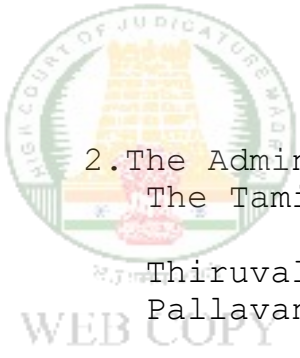
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Sub Assistant Registrar

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To:

1.The Managing Director,
State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road, Madurai.



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

+1cc to Mr.A.Rahul, Advocate SR NO.57892

+1cc to Mr.A.Jeyaram, Advocate SR NO.57890

W.P. (MD) No.17775 of 2015
01.10.2015

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