



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.17928 of 2015

WEB COPY

S.Alagar

:Petitioner

vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented 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 is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to settle the retirement benefits of the petitioner including gratuity, leave salary, 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 and 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 that may be fixed by this Court.

For Petitioner :Mr.A.Rahul

For Respondents :Mr.P.Muthupandian

Standing Counsel for TNSTC

O R D E R

This Writ Petition has been filed by Mr.S.Alagar, who after serving in the 1st respondent Corporation, as Driver, from 19.02.1986 had retired from service with effect from 30.11.2012, seeking a direction to the respondents to pay his retirement benefits to him.

2. Mr.P.Muthupandi, learned Standing Counsel takes notice for the respondents.

3. It is stated that though the petitioner was allowed to retire from the service of the respondents, till date, the respondent corporation has not settled the retirement benefits. Hence, the petitioner has come before this Court.

4. 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

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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."

5. 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.

6. 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 12 equal instalments and the first instalments to be paid from November 2015 and each of the instalments should be paid on or before 7th of each month. 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.

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

+1cc to M/s.A.Rahul, Advocate in SR.No.58254

+1cc to M/s.A.P.Muthupandian, Advocate in SR.No.58273

W.P. (MD) No.17928 of 2015
05.10.2015

mpk

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