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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.20752 of 2014

M.Selvam ... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam, Thanjavur District.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

3.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, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including surrender and encashment of medical leave salary, surrender and encashment of earned leave salary and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and further, directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits such as cholan employee, security scheme arrears, refund of institute of road transport contribution arrears, gratuity, the commuted value of pension etc., to the petitioner payable from the date of retirement ie., from 29.02.2012 to till the date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman

ORDER

When the matter is taken up for hearing, the learned Standing Counsel appearing for the respondents 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 submit that the respondents would consider the request of the petitioner, in the light of the judgment passed by the Honourable Division Bench.

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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

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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 as per the aforesaid judgment the instalment has to be paid from July 2015 and that each instalment should be paid on or before 7th day of each month, the respondents are 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 petition is disposed of with the above direction. There is no order as to costs.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
New Railway Station Road, Kumbakonam, Thanjavur District.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region, Kumbakonam.

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

+2cc to Mr.D.Sivaraman, Advocate SR.No.42024

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