



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.19447 of 2015

A.Thiyagarajan

:Petitioner

vs.

1.The Management of
Tamil Nadu State Transport
Corporation (Madurai) Ltd,
Dindigul Region
Rep.by it's General Manager, Dindigul.

2.The Administrator,
The Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.5,08,805/- towards Gratuity, Rs.4,07,607/- towards leave salary and arrears of wages for the period from 01.09.2013 to 28.02.2015 payable consequent to wage settlement and also arrears of dearness allowance part of wages for the period from January to February 2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2,22,501/- towards the pension commutation amount and arrears of pension for the period from 01.03.2015 by revision the same together with 18% interest per annum within a time frame as fixed by this Court.

For Petitioner :Mr.S.Arunachalam

For Respondents :Mr.A.P.Muthu Pandian
Standing Counsel for TNSTC

O R D E R

This Writ Petition has been filed by Mr.A.Thiyagarajan, who after serving in the 1st respondent Corporation, had retired from service with effect from 28.02.2015, seeking a direction to the respondents to pay his retirement benefits.

2. Mr.A.P.Muthu Pandian, learned Standing Counsel takes notice for the respondents.

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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 a 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."

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 **December 2015** and each of the instalments should be paid on or before 7th of each month. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1.The General Manager, Management of Tamil Nadu State Transport Corporation (Madurai) Ltd, Dindigul Region, Dindigul.

2.The Administrator, The Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai - 2

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