

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10091 of 2016

V.Arumugam

.. Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited, 37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Erode Region, Chennimalai Road,
Erode - 638 001.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits of gratuity 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 consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits including the commutation, gratuity, leave surrenders (EL and ML), EL surrender for the year 2013, D.A. Arrears and refund of Institute of road transport arrears etc. to the petitioner payable from the date of retirement i.e. 30.09.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner:: Mr.M.Selvam

For Respondents:: Mr.S.Sairaman for R1 to R3

ORDER

The petitioner, Mr.V.Arumugam has filed this writ petition for issuance of a writ of mandamus directing the respondents to settle the petitioner's retirement benefits of gratuity 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 consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits including the commutation, gratuity, leave surrenders (EL and ML), EL surrender for the year 2013, D.A. Arrears and refund of Institute of road transport arrears etc. to the petitioner payable from the date of retirement i.e. 30.09.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

2. Heard the learned counsel for the petitioner. Mr.S.Sairaman, learned counsel takes notice on behalf of respondents 1 to 3.

3. The petitioner joined as Junior Assistant in the year 1984 in the erstwhile Jeeva Transport Corporation Limited, Erode and retired as Superintendent on 30.09.2013 while working in the Erode region of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

4. Since the issue is squarely covered by the various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from May, 2016 and each of the instalments should be paid on or before 7th of each month. In case of any delay in 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 petitioner for such non-payment of the instalments. No costs.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Limited, 37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager,
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Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.M. Selvam, Advocate, S.R.No.17323

+1cc to Mr.S. Sairaman, Advocate, S.R.No.17635

KGK(CO)
EU(22/04/2016)

W.P.No.10091 of 2016

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