

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10211 of 2016

1 K.Rajendran [Petitioner]
Vs.

1 The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department
Secretariat, Fort St. George
Chennai-600 009.

2 The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post
Villupuram-605 602.

3 The Financial Advisor and
Chief Accounts Officer
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu, Valuthareddy Post
Villupuram-605 602. [Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondents 2 and 3 to settle the petitioner's retirement benefits such as gratuity amount, leave encashment amount and social security scheme amount with 18% interest on delayed payment to the petitioner from 31.08.2013 the date of retirement till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.

(MD)Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents: Mr.K.J.Sivakumar,
Government Advocate for R1
Mr.P.Kannan Kumar for R2 & R3

O R D E R

The petitioner Mr.K.Rajendran has filed this writ petition, seeking a Writ of Mandamus, directing respondents 2 and 3 to settle his retirement benefits such as gratuity amount, leave encashment amount and social security scheme amount, with 18% interest on delayed payment, with effect from 31.08.2013, the date on which he retired from service till the date of settlement of the terminal benefits due to him, by following the order passed in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The learned counsel for the petitioner submitted that in similar facts and circumstances, the Hon'ble Division Bench of this Court vide judgment dated 12.06.2015 made in W.A.(M.D) Nos.383 to 457 of 2015, has passed the following order:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11/6/2015 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 instalments should be paid on or before 7th of each month.

4. The writ appeals are disposed of accordingly. "

4. The learned counsel for the petitioner submitted 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. In view of the judgment made by the Hon'ble Division Bench dated 12.06.2015 made in W.A.Nos.383 to 457 of 2015, this writ petition is disposed of directing the respondents 2 and 3 to settle the terminal benefits of the petitioner in equal instalments and the first instalment has to be paid from May 2016 and the amount in each of the remaining instalments should be paid on or before 7th of each month till the entire payment is made. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

ajr
To

- 1 The Principal Secretary
Transport Department
Secretariat, Fort St. George
Chennai-600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy Post
Villupuram-605 602.
- 3 The Financial Advisor and
Chief Accounts Officer
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu, Valuthareddy Post
Villupuram-605 602.

+1 cc to Mr.V.S.Jagadeesan, Advocate, sr.17506
+1 cc to Government Pleader, sr.17761
+1 cc to Mr.Kannan Kumar, Advocate, sr.17986

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