

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10848 of 2016

T.Ganesan

.. Petitioner

-vs-

1. The Secretary to Government of Tamil Nadu,
Transport Department, The Secretariat,
Fort St. George,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited, No.12, Ramakrishna Road,
Salem - 636 007.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri - 636 705.

4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
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 2nd and 3rd respondents to settle the petitioner's retirement terminal benefits namely gratuity, leave surrender amount and 1/3rd pension commutation value and all other attendant benefits with 12% interest per annum from the date of retirement and consequently directing the 2nd and 3rd respondents to pay 18% interest per annum for the belated settlement of above benefits to the petitioner i.e. from 31.05.2014 to till date of actual payment within the time that may be stipulated by this Court.

For Petitioner :: Mr.S.Sathiaseelan

For Respondents :: Mr.K.J.Sivakumar,
Government Advocate for R1

Mr.R.K.Gandhi,
for R2 to R4

ORDER

The petitioner, T.Ganesan has filed this writ petition for issuance of a writ of mandamus, directing the 2nd and 3rd respondents to settle the petitioner's retirement terminal benefits namely gratuity, leave surrender amount and 1/3rd pension commutation value and all other attendant benefits with 12% interest per annum from the date of retirement and consequently directing the 2nd and 3rd respondents to pay 18% interest per annum for the belated settlement of above benefits to the petitioner i.e. from 31.05.2014 to till date of actual payment within the time that may be stipulated by this Court.

2.Heard the learned counsel appearing for the petitioner. Mr.K.J.Sivakumar, learned Government Advocate takes notice on behalf of the first respondent and Mr.R.K.Gandhi, learned counsel takes notice on behalf of respondents 2 to 4.

3. The petitioner joined as a Driver on 21.04.1990 in the service of the 2nd and 3rd respondents Transport Corporation and retired as Senior Selection Grade Driver on 31.05.2014. 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 (CS-II)

//True Copy//

Sub Assistant Registrar

vga

To

1. The Secretary to Government of Tamil Nadu,
Transport Department, The Secretariat,
Fort St. George,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited, No.12, Ramakrishna Road,
Salem - 636 007.

3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri - 636 705.

4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1 CC to Mr.S.Sathiaseelan, Advocate, sr.18777

+1 cc to Government Pleader, 18707

+1 cc to Mr.R.K.Gandhi, Advocate, sr.18941

vgi co
kra 13.04.2016

W.P.No.10848 of 2016