

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11257 of 2016

E.Amavasai

... Petitioner

-Vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vazhuthareddy,
Villupuram - 605 602
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vellore Region, Vellore - 632 009
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and Pension arrears calculating D.A. eligible as per the newly rates implemented with interest at 18% per annum with effect from 01.06.2014.

For Petitioner : Mr. T.M.Kannan

For Respondents : Mr. P.Paramasivadoss

ORDER

The petitioner, Mr.E.Amavasai, has filed this writ petition for issuance of a writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and Pension Arrears by calculating D.A. eligible as per the new rates implemented with interest at 18% per annum with effect from 01.06.2014.

2. Heard the learned counsel for the petitioner. Mr.P.Paramasivadosh learned standing counsel takes notice on behalf of the respondents.

3. The petitioner joined as Helper Trainee in June 1983 in the Tamil Nadu State Transport Corporation (Villupuram) Limited, and retired as Senior Tradesman [STM] on 31.05.2014, while working in the Regional Office of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, Earned Leave salary and pension arrears , etc., have not been till date settled by the respondents.

4. Mr. P.Paramasivadosh, learned standing counsel, who takes notice on behalf of respondents, submitted that as far as computation is concerned, the respondents have already started the process to disburse the same within 24 instalments.

5. The said submission is recorded.

6. Insofar as the other benefits, namely, Gratuity, Earned Leave Salary and Pension arrears are concerned, it is seen that the petitioner has already given representation dated 15.03.2016 and hence, the same deserves to be considered by the respondents 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).

7. Accordingly, this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner in twelve equal monthly instalments carrying interest at the rate of 6% p.a. The instalments should commence from April, 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 VII)

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Sub Assistant Registrar

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To

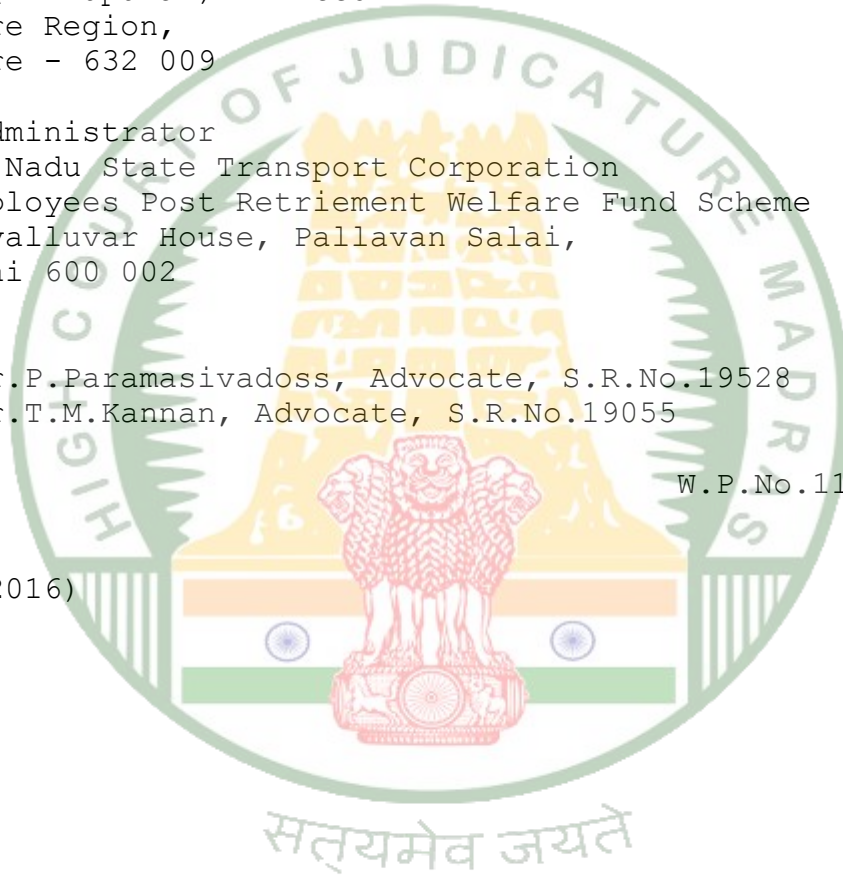
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+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.19528

+1cc to Mr.T.M.Kannan, Advocate, S.R.No.19055

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SAI (CO)
CA (18/04/2016)



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