

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11300 of 2016

R.Subramani

.. 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, Pension Commutation, Leave Surrender (Earned Leave & Medical Leave), 12(3) settlement arrear and 11th settlement 4th review due amount from September 2010 to August 2013 by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.07.2014.

For Petitioner :: Mr. J.Pradeep

For Respondents :: Mr. P.Paramasivados

ORDER

The petitioner, Mr.R.Subramani, has filed this writ petition for issuance of a writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Surrender (Earned Leave and Medical Leave), 12 (3) settlement arrears and 11th settlement with 4th

review due amount from September 2010 to August 2013 by calculating D.A. eligible as per newly implemented rules with interest at 12% per annum with effect from 01.07.2014.

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

3. The petitioner joined as Conductor on 19.02.1978 in the Cheran Transport Corporation and was transferred to Pallavan Transport Corporation on 08.10.1978 and was confirmed on 01.05.1979. Subsequently, he was transferred to Tamil Nadu State Transport Corporation (Villupuram) Limited, Vellore Region on 03.06.1983 and retired as Traffic Inspector on 30.06.2014, while working in the Regional Office of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, pension commutation, Leave Surrender (Earned Leave and Medical Leave), 12 (3) settlement arrears and 11th settlement 4th review due amount from September 2010 to August 2013, etc., have not been till date settled by the respondents.

4. Mr. P.Paramasivadoss, 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, Leave Surrender, 12 (3) settlement arrears and 11th settlement 4th review due amount from September 2010 to August 2013, etc are concerned, it is seen that the petitioner has already given representation dated 06.01.2016 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-IV)

//True Copy//

Sub Assistant Registrar

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To

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

+1 cc to Mr.J.Pradeep, Advocate, sr.19540

+1 cc to Mr.P.Paramasivadoss, Advocate, sr.19530

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