

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11840 of 2016

G.Natarajan

..Petitioner

-vs-

1. The Government of Tamil Nadu,
rep.by its Principal Secretary to Government,
Transport Department,
Secretariat,
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.
4. The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

..Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 to 4 to settle the petitioner's retirement benefits such as Gratuity amount, commuted value of pension, leave encashment amount (EL), Leave Encashment (ML-98), Pension Arrears amount and PF arrears amount after duly taking into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.04.2014 the date of retirement to 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.S.Sairaman for RR2 to 4

ORDER

The petitioner, Mr.G.Natarajan has filed this writ petition for issuance of a writ of mandamus directing the respondents 2 to 4 to settle the petitioner's retirement benefits, Gratuity amount, commuted value of pension, leave encashment amount (EL), Leave Encashment (ML-98), Pension Arrears amount and PF arrears amount after duly taking into account the enhanced dearness allowance with 18% interest per annum on delayed payment from 30.04.2014, the date of his retirement to till the date of settlement of the terminal benefits by following the order passed in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015.

2. Heard the learned counsel for the petitioner. Mr. K.J.Sivakumar, learned Government Advocate takes notice on behalf of R1. Mr.S.Sairaman, learned counsel takes notice on behalf of the respondents 2 to 4.

3. The petitioner joined as Security Guard in the year 1984 in the erstwhile Thanthai Periyar Transport Corporation and retired from service on 30.04.2014 as Special Grade Security Guard from the newly formed Puratchi Thalaivar MGR Transport Corporation Ltd., belonging to the second respondent corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave salary and other benefits have not been settled till date 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 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 III)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
of Tamil Nadu,
Transport Department,
Secretariat,
Chennai 600 009.
2. The Managing Director,
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(VPM) Ltd., 3/137, Salamedu,
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4. The Administrator,
The Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.19829
+1cc to Mr.S.Sairaman, Advocate, S.R.No.19815
+1cc to the Government Pleader, S.R.No.20057

W.P.No.11840 of 2016

scd(CO)
srg(13/04/2016)