

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11857 of 2016

C.Subramanian

... 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 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 2nd and 3rd respondents to disburse the retirement benefits of gratuity for a sum of Rs.8,95,000/-, Earned leave salary for a sum of Rs.2,40,000/- and pension commutation amount for a sum of Rs.4,75,000/-, which totally comes to Rs.16,10,000/- [Rupees sixteen lakhs ten thousand only] with 18% interest on delayed payment to the petitioner who has retired from service on 31.12.2013 as Selection Grade Assistant Engineer in the second respondent's office on par with the similar issue decided in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015 by issuing direction to the Transport Corporations to settle the terminal benefits of its employees in 12 equal monthly instalments and to pay 6% interest to the terminal benefits payable to the workman.

For Petitioner : Mr.D.Veerasekaran

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

Mr.S.Sairaman for RR2 and 3

ORDER

The petitioner, Mr.C.Subramanian has filed this writ petition for issuance of a writ of mandamus directing the respondents 2 and 3 to settle the petitioner's retirement benefits, including leave salary, gratuity, commutation, which comes to Rs.16,10,000/- with interest at the rate of 18% per annum on delayed payment as per the similar issue decided by this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015 by issuing direction to the Transport Corporations to settle the terminal benefits of its employees in 12 equal monthly instalments and to pay 6% interest to the terminal benefits payable to the workman.

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 Assistant Supervisor -Trainee in the year 1984 in the erstwhile Pattukottai Azhagiri Transport Corporation and retired from service on 31.12.2013 as Selection Grade Assistant Engineer from the Tamil Nadu State Transport Corporation (VPM) Ltd., the second respondent herein. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave salary, etc., 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 VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
of Tamil Nadu
Transport Department
Secretariat
Chennai 600 009.
2. The Managing Director
Tamil Nadu State Transport Corporation
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Valuthareddy Post
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3. The Administrator
The Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
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Chennai 600 002.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.19812
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.19809
+1cc to the Government Pleader, S.R.No.20052

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

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