

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12734 of 2016

S.Gomathinayagam
S/o.V.A.Subramanian

..Petitioner

-vs-

- 1.The Government of Tamil Nadu,
represented by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
 - 3.The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 2 and 3 to settle the petitioner's retirement benefits such as Gratuity amount, Leave on Private Affairs, Leave on Encashment (EL) amount, Arrears of Leave Surrender for 4 years (EL), Pension DA arrears amount and PF arrears amount and Leave on Encashment (ML-98) and other attendant benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 30.06.2013, 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.J.Sivakumar,
Government Advocate [R1]
Mr.S.Sairaman [R2 & R3]

O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 18% per annum with effect from 30.06.2013 within the time stipulated by this Court.

2. Heard the learned counsel for the petitioner. Mr.J.Sivakumar, the learned Government Advocate takes notice for the first respondent and Mr.S.Sairaman, the learned counsel, takes notice for respondents 2 and 3.

3. The petitioner joined as Junior Assistant in the year 1982 in the erst while Cheran Transport Corporation Ltd., Coimbatore and subsequently, promoted as Superintendent on 14.08.2006. After completion of 31 years of service, the petitioner retired from service on 30.06.2013. 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 at 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.

gm

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

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

2.The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.

3.The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.

+ 1 cc to Mr.S.Sairaman, Advocate, SR 21800

+ 1 cc to Mr.V.S.Jagadeesn, Advocate, SR 21371

+ 1 cc to Govt.Pleader, High Court, Madras SR 21722

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