

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.12871 of 2016

B.Subramanian

.. Petitioner

-vs-

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

2. The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Limited,
37, Mettupalayam Road,
Coimbatore 641 043.

3. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to disburse the retirement benefits of gratuity for a sum of Rs.10,00,000/- earned leave surrender salary for a sum of Rs.7,90,172/- and pension commutation amount for a sum of Rs.7,42,542/- totally comes to Rs.25,32,714/- (Rupees twenty five lakhs thirty two thousand seven hundred and fourteen only) with 18% interest on delayed payment to the petitioner who is retired from service on 28.02.2015 as Senior Deputy Manager 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 in issuing direction to the Transport Corporation 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 employee.

For Petitioner:: Mr.D.Veerasekaran

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

Mr.S.Sairaman for R2 and R3

ORDER

The petitioner, Mr.B.Subramanian has filed this writ petition for issuance of a writ of mandamus, directing respondents 2 and 3 to disburse the retirement benefits of gratuity for a sum of Rs.10,00,000/- earned leave surrender salary for a sum of Rs.7,90,172/- and pension commutation amount for a sum of Rs.7,42,542/- totally comes to Rs.25,32,714/- (Rupees twenty five lakhs thirty two thousand seven hundred and fourteen only) with 18% interest on delayed payment to the petitioner who is retired from service on 28.02.2015 as Senior Deputy Manager 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 in issuing direction to the Transport Corporation 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 employee.

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

3. The petitioner joined as Junior Engineer at erstwhile Cheran Transport Corporation on 24.11.1977 and he relieved from the service on attaining the age of superannuation on 28.02.2015 while working in the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, earned leave surrender salary and pension commutation etc., have not been till date settled by the respondents.

4. Since the issue is squarely covered by 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 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

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

2. The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Limited,
37, Mettupalayam Road,
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3. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to M/S.D.Veerasekaran, Advocate sr.21931

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