

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13876 of 2016

G.Mohan

.. 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 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse the payments relating to gratuity, commutation, leave encashment, 12(3) Settlement arrears from 01.09.2013 to 31.10.2014, surrender leave salary in Feb. 2013 by calculating D.A. eligible, as per newly implemented scheme, with interest at 12% per annum with effect from 01.11.2014 within the stipulated time as may be fixed by this Court.

For Petitioner :: Mr.J.Pradeep

For Respondents :: Mr.P.Paramasivadoss

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents to disburse the payments relating to gratuity, commutation, leave encashment, 12 (3) Settlement arrears from 01.09.2013 to 31.10.2014, surrender leave salary in Feb. 2013 by calculating D.A. eligible, as per

newly implemented scheme, with interest at 12% per annum with effect from 01.11.2014 within the stipulated time as may be fixed by this Court.

2. Heard the learned counsel for the petitioner. Mr.P.Paramasivadosh, learned Standing counsel takes notice on behalf of the respondents.

3. The petitioner joined as Conductor in the Tamil Nadu State Transport Corporation (Villupuram) Ltd., Vellore Region on 22.09.1988 and he was retired from service on 31.10.2014 while working as Special Grade Conductor in Konavattam-I Depot of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave encashment (earned leave and old medical leave), 12(3) Settlement arrears from 01.09.2013 to 31.10.2014, Dearness allowance arrears as per newly implemented scheme and surrender leave salary, 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.

सत्यमेव जयते

-s/d-
Assistant Registrar

True Copy

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Sub-Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.

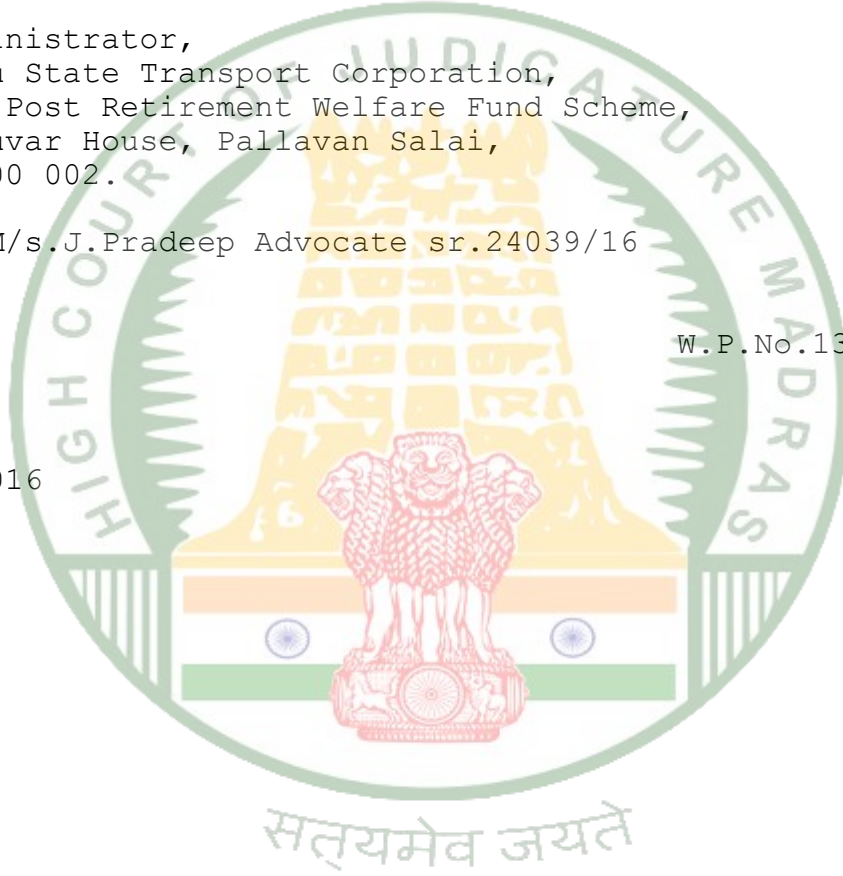
2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region, Vellore - 632 009.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1 cc to M/s.J.Pradeep Advocate sr.24039/16

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