

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14653 of 2016

S.Duraisamy

.. Petitioner

-vs-

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.

2.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 to the petitioner his legitimately entitled terminal benefits viz. gratuity, commutation amount, ERBS Pension arrears, surrender leave salary and medical leave salary, salary D.A. arrears and pension D.A. arrears etc. at 12% per annum with effect from 01.06.2013 within the stipulated time fixed by this Court.

For Petitioner :: Ms.S.Girija

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 his terminal benefits viz. gratuity, commutation amount, ERBS Pension arrears, surrender leave salary and medical leave salary, D.A. arrears and pension D.A. arrears etc. at 12% per annum with effect from 01.06.2013 within the stipulated time fixed by this Court.

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

3. The petitioner joined as a Driver in the respondent Corporation on 13.07.1985 and he was retired from service on 31.05.2013 while working in the said respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, surrender leave salary, medical leave salary, ERBS Pension, Pension D.A. arrears and Earned 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.

Sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vga

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.

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

1 cc to Ms.S. Girija, Advocate, Sr. 25667

1 cc to M.P. Paramasivadoss, Advocate, Sr. 25582

W.P.No.14653 of 2016

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