

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14678 of 2016

A.Gulab Basha Shakir

... Petitioner

.Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George
Chennai-9.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.
3. The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.
4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to settle the petitioner retirement benefits such as Gratuity Amount Commuted Value of Pension, Encashment of leave salary (EL), Leave surrender per year (EL), Pension Arrears Amount and PF Arrears Amount after duly taken into account the enhanced Dearness Allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.04.2014 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 12.6.2015.

For petitioner : Mr.V.S.Jagadeesan
For Respondents : Mr.K.J.Sivakumar,
Government Advocate for R1
Mr.S.Sairaman for R2 to R4

ORDER

The petitioner, A.Gulab Basha Shakir has filed this Writ Petition for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to settle the petitioner retirement benefits such as, Gratuity Amount, Commuted Value of Pension, Encashment of leave salary (EL), Leave surrender per year (EL), Pension Arrears Amount and PF Arrears Amount after duly taken into account the enhanced Dearness Allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.04.2014, the date of retirement 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 12.6.2015.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents 2 and 4. Mr.K.J.Sivakumar, learned Government Advocate takes notice on behalf of the respondent 1.

3.The petitioner joined as Driver on 31.05.1988 in the erstwhile Thanthai Periyar Transport Corporation Limited, and retired on 30.04.2014, while working in the Puratchi Thalaivar MGR Transport Corporation Limited. Now, the grievance of the petitioner is that his retirement benefits, namely, Gratuity Amount, Commuted Value of Pension, Encashment of leave salary (EL), Leave surrender per year (EL), Pension Arrears Amount and PF arrears amount after duly taken into account the enhanced Dearness Allowance and settlement benefits, 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 12.06.2015 (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 2 to 4 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 June, 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 III)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Principal Secretary,
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St. George
Chennai-9.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.
3. The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu,
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4. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.24637
+1cc to the Government Pleader, S.R.No.25043

W.P.No.14678 of 2016

AD(CO)
CA(12/05/2016)