

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14696 of 2016

K.Radhakrishnan

...Petitioner

.Vs.

- 1 Tamilnadu State Transport Corporation (Villupuram) Ltd.,
rep. by its Managing Director,
Vazhuthareddy,
Villupuram.
 - 2 The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore-9.
 - 3 Tamilnadu State Transport Corporations Employees Pension
Trust
Rep.by its Administrator,
Thiruvalluvar Illam
Anna Salai,
Chennai-600 002.
- ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner forthwith him the arrears of difference in salary as per the settlement for the period from 01.09.2013 to 30.06.2014 the difference in employee contribution of provident fund for the said period a sum of Rs.5, 42, 139/- towards gratuity a sum of Rs.2 76 860/- towards commuted value of pension and a sum of Rs.2 56 432/- towards encashment of the earned leave salary and medical leave salary which was standing to his credit prior to 1998 to revise his monthly pension based on the salary payable to him as on the date of his retirement as per the settlement from 01.07.2014 with arrears together with interest at the rate of 12% and to pay him the revised monthly pension as increased and revised from time to time, within a specified time as may be fixed by this Court.

For petitioner : Mr.R.Krishnaswamy

For Respondents : Mr.S.Sairaman

ORDER

The petitioner, Mr.K.Radhakrishnan, has filed this Writ Petition for issuance of a Writ of Mandamus, directing the respondents to pay the retirement benefits, namely, the arrears of difference in salary as per the settlement for the period from 01.09.2013 to 30.06.2014, the difference in employee contribution of provident fund for the said period, a sum of Rs.5,42,139/- towards gratuity, a sum of Rs.2,76,860/- towards commuted value of pension and a sum of Rs.2,56,432/- towards encashment of the earned leave and medical leave, which was standing to his credit prior to 1998 to revise his monthly pension, based on the salary payable to him as on the date of his retirement, as per the settlement from 01.07.2014 with arrears together with interest at the rate of 12% and to pay him the revised monthly pension as increased and revised from time to time, within a specified time.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3.The petitioner joined as Conductor on 26.09.1985 and retired from service as Traffic Inspector on 30.06.2014. Now, the grievance of the petitioner is that his retirement benefits, namely, the arrears of difference in salary as per the settlement for the period from 01.09.2013 to 30.06.2014, the difference in employee contribution of provident fund for the said period, a sum of Rs.5,42,139/- towards gratuity, a sum of Rs.2,76,860/- towards commuted value of pension and a sum of Rs.2,56,432/- towards encashment of the earned leave and medical leave, which was standing to his credit prior to 1998 to revise his monthly pension, based on the salary payable to him as on the date of his retirement, as per the settlement from 01.07.2014 with arrears together with interest at the rate of 12% and to pay him the revised monthly pension as increased and revised from time to time, 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 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 II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram.
- 2 The General Manager,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram,
Vellore-9.
- 3 The Administrator,
Tamilnadu State Transport Corporations Employees Pension
Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-600 002.

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srg(13/05/2016)