

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.16050 of 2016

V.T.Maheshkumar

... Petitioner

Vs

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

2 The Senior Deputy Manager(HRD),
Tamil nadu State Transport Corporation
(Salem) Limited,
No.12 Ramakrishna Road,
Salem-636 007.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to Call for the records pertaining to the order passed by the 2nd respondent in Note No. CO1/10220/TNSTC/SLM/Legal/2016 dated 14-04-2016 and quash the same consequently directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.02.2014 within the time stipulated by this Court.

For Petitioner :: Mr.A.Selvaraju

For Respondents :: Mr.R.K.Gandhi

O R D E R

Aggreived against the impugned order passed by the second respondent, the petitioner has filed this present writ petition to quash the same and to direct the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.02.2014 within the time stipulated by this Court.

2.Heard the learned counsel for the petitioner.
Mr.R.K.Gandhi, learned counsel takes notice for the respondents.

3.The petitioner had joined the service as a Record Clerk on 03.02.1984 in the first respondent corporation and promoted as Senior Assistant. After completion of 32 years of service, he retired on 31.01.2014. Now, the grievance of the petitioner is that the following terminal benefits have not been settled till date by the respondents to him.

- i) Gratuity;
- ii) Commutation;
- iii) Pension under the Employees Retirement benefits Scheme;
- iv) Surrender Leave Salary i.e. Earned leave balance credited as on 31.01.2014.
- v) Dearness Allowance Arrears payable for salary;
- vi) Balance pension Dearness allowance arrears for the period from February 2014;
- vii) Salary for the surrendered leave of 45 days.

Further, he has given a representation dated 14.03.2016 to the first respondent but the same has not been considered by him.

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 12.6.2015 (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 allowed by setting aside the impugned order, with a direction to the respondents to settle the entire retirement benefits due and payable to the petitioner through twelve equal monthly installments carrying interest of 6% p.a. The installments should commence from June 2016 and each of the installments should be paid on or before 7th of each month. In case of any delay in the payment of the installments, 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 installments. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registraro

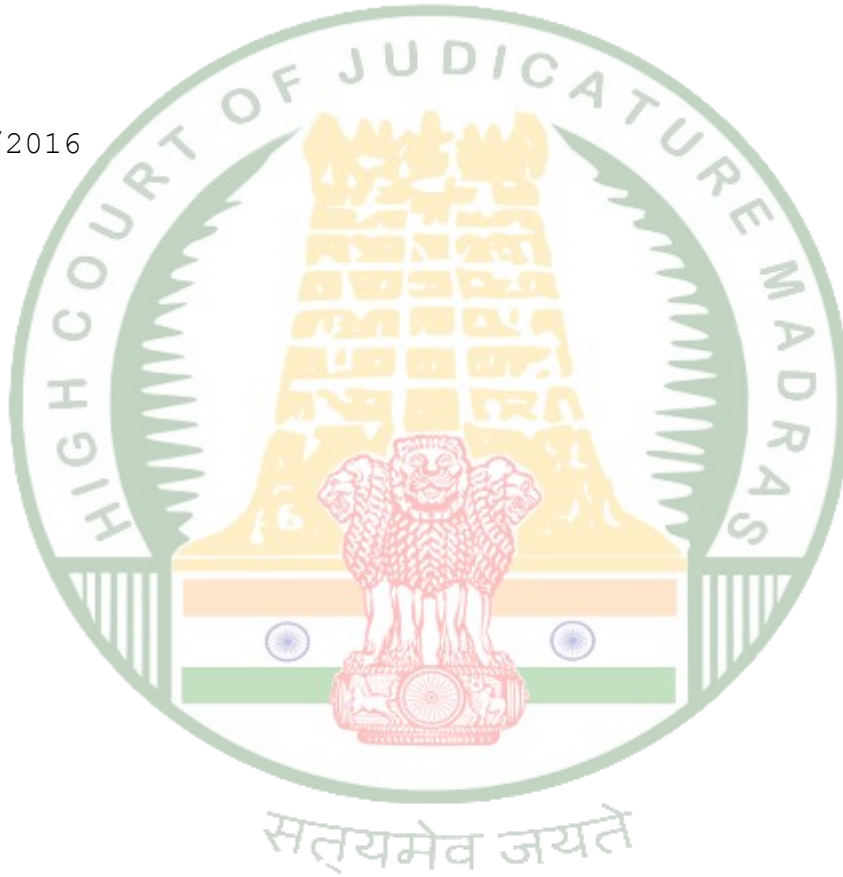
- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12 Ramakrishna Road,
Salem-636 007.

2 The Senior Deputy Manager (HRD),
Tamil nadu State Transport Corporation
(Salem) Limited,
No.12 Ramakrishna Road,
Salem-636 007.

+1cc to A.Selvaraju, Advocate Sr.27094

W.P.No.16050 of 2016

nr[co]
srg 27/05/2016



WEB COPY