

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 28.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.No.16265 of 2016

K.Thirunavukkarasu

...Petitioner

Versus

- 1.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai 600 009.
 - 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 600 002.
- ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents 2 to 4 to settle the petitioner's retirement benefits such as Gratuity amount, Commuted value of pension, Encashment of leave salary (EL), Encashment of Leave Salary (ML-98), 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 31.10.2014 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 12.06.2015.

For petitioner: Mr.V.S.Jagadeesan
For Respondent: Mr.R.Vijayakumar for R1
Additional Government Pleader
Mr.S.Sairaman for R2 to R4

O R D E R

The petitioner K.Thirunavukkarasu has filed this writ petition for issuance of a writ of mandamus to direct the respondents 2 to 4 to settle the petitioner's retirement benefits such as Gratuity amount, Commuted value of pension, Encashment of leave salary (EL), Encashment of Leave Salary (ML-98), 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 31.10.2014 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 12.06.2015.

2.Heard the learned counsel for the petitioner. Mr.R.Vijayakumar, learned Additional Government Pleader takes notice for the first respondent and Mr.S.Sairaman, learned counsel takes notice for the respondents 2 to 4.

3.The petitioner was appointed as Store Attender on 07.02.1981 in the Pallavan Transport Corporation Ltd., and subsequently, he was transferred to Thanthai Periyar Transport Corporation Ltd. After completion of 34 years of service, he retired on 31.10.2014 as Selection Grade Store Attender, on reaching the age of superannuation. Now, the grievance of the petitioner is that except a sum of Rs.1,58,399/- towards the provident fund, the following retirement terminal benefits have not been settled till date by the respondents to him.

S.No.	Terminal Benefits	Amount Due Rs.
1.	Gratuity	8,11,061/-
2.	Commuted Value of Pension	3,41,690/-
3.	Encashment of Leave Salary (EL)	3,34,472/-
4.	Encashment of Leave Salary (ML-98)	1,28,093/-
5.	Pension Arrears	25,000/-
6.	PF Arrears	30,000/-
	Total	16,70,322/-

Further, he has given a representation dated 09.03.2016 to the second respondent but the same has not been considered by them.

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 disposed of, with a direction to the respondents 2 to 4 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.

vri

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu,
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3. The Financial Advisor
and Chief Accounts Officer,
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4. The Administrator,
Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+ 1 cc to Mr.V.S.Jagadeesan, Advocate SR 26953

+ 1 cc to Govt.Pleader SR 27420

ks(co)
prk2/6

W.P.No.16265 of 2016



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