

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16691 of 2016

V.Palanisamy

.. Petitioner

-vs-

1. The Principal Secretary to Government,
Transport Department, Fort St. George,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Limited, 37, Mettupalayam Road,
Coimbatore - 641 043.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to disburse the retirement benefits of Earned Leave Surrender Salary for a sum of Rs.3,06,612/- and gratuity amount for the sum of Rs.5,76,389/- totalling to Rs.8,83,001/- (Rupees eight lakhs eighty three thousand and one only) with 18% interest on delayed payment to the petitioner, who is retired from service on 31.10.2012 as Senior Assistant in the second respondent's office based on the order made in W.P. (MD) No.10116 of 2016 dated 18.03.2016.

For Petitioner:: Mr.D.Veerasekaran

For Respondents:: Mr.S.Gunasekaran,
Additional Government Pleader for R1

Mr.S.Sairaman for R2

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the 2nd respondent to disburse the retirement benefits of Earned Leave Surrender Salary for a sum of Rs.3,06,612/- and gratuity amount for a sum of Rs.5,76,389/- totalling to Rs.8,83,001/- (Rupees eight lakhs eighty three thousand and one only) with 18% interest on delayed payment to the petitioner, who is retired from service on 31.10.2012 as Senior Assistant in the second respondent's office based on the order made in W.P. (MD) No.10116 of 2016 dated 18.03.2016.

2.Heard the learned counsel appearing for the petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the first respondent and Mr.S.Sairaman, learned Standing Counsel takes notice on behalf of the second respondent.

3.The petitioner joined as a Conductor at Cheran Transport Corporation on 19.06.1977 and he was retired from the service on attaining the age of superannuation on 31.10.2012 while working in the Coimbatore Region of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Earned Leave surrender salary and gratuity, have not been till date settled 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 12.6.2015 (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 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(CO)

//True Copy//

Sub Assistant Registrar

vga
To

1. The Principal Secretary to Government,
Transport Department, Fort St. George,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Limited, 37, Mettupalayam Road,
Coimbatore - 641 043.

+lcc to Mr.P.Kannan Kumar, Advocate, S.R.No.27991
+lcc to Mr.D. Veerasekaran, Advocate, S.R.No.27242
+lcc to the Government Pleader, S.R.No.27996

RSY(CO)
EU(17/05/2016)

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