

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.16692 of 2016

R.Mailsamy

.. Petitioner

-vs-

1. The Government of Tamil Nadu,
rep. by 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 Provident Fund Contribution amount Rs.9,50,000/-, Gratuity amount of Rs.10,00,000/-, Earned Leave Salary amount of Rs.5,54,483/-, leave on private affairs of Rs.1,90,000/- and employee's Welfare Fund Rs.46,000/- the total comes to Rs.27,40,483/- (Rupees twenty seven lakhs forty thousand and four hundred and eighty three only) with 18% interest on delayed payment to the petitioner, who is retired from service on 30.11.2015 as Assistant Manager 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 Provident Fund Contribution amount Rs.9,50,000/-, Gratuity amount of Rs.10,00,000/-, Earned Leave

Salary amount of Rs.5,54,483/-, leave on private affairs of Rs.1,90,000/-, Employee's Welfare Fund Rs.46,000/- and the total comes to Rs.27,40,483/- (Rupees twenty seven lakhs forty thousand and four hundred and eighty three only) with 18% interest on delayed payment to the petitioner, who is retired from service on 30.11.2015 as Assistant Manager 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 Junior Engineer - Trainee at Cheran Transport Corporation on 01.05.1982 and he was retired from the service on attaining the age of superannuation on 30.11.2015 while working in the Coimbatore Region of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Provident Fund Contribution Amount, Leave on Private Affairs, Gratuity, Leave Surrender Salary and Employee's Welfare Fund, 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

To

1.Principal Secretary to Government,
The Government of Tamil Nadu,
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.D.Veerasekaran, Advocate sr.27273

W.P. No.16692 of 2016

rsy(CO)
srg(17/05/2016)



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