

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17361 of 2016

P.Dayalan

... Petitioner

-Vs-

- 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) Limited
3/137, Salamedu,
Valuthareddy-Post,
Villupuram - 605 602.
- 3.The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation
(VPM) Limited,
3/137, Salamedu,
Valuthareddy-Post,
Villupuram - 605 602.
- 4.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER : Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, Directing the respondents 2 to 4 to settle the petitioners 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 (Provident Fund) Arrears Amount after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.09.2014 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 Respondents : Mr.R.Vijayakumar
Additional Government Pleader for R1
Mr.P.Kannan Kumar for R2 to R4

ORDER

The petitioner, P.Dayalan has filed this writ petition for issuance of a writ of mandamus directing the respondents 2 to 4 to settle the petitioners 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 (Provident Fund) Arrears Amount after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.09.2014 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, Mr.V.S.Jagadeesan, learned counsel for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader for R1, and Mr.P.Kannan Kumar for R2 to R4.

3. The petitioner joined as Driver in the year 1989 in the erstwhile Thanthai Periyar Transport Corporation Limited, and then transferred and posted to newly formed Puratchi Thalaivar MGR Transport Corporation Limited, Kancheepuram and retired as Selection Grade Driver on 30.09.2014 on attaining the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity amount commuted value of pension Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) Pension Arrears amount and PF (Provident Fund) Arrears Amount , etc., 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/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Managing Director
Tamil Nadu State Transport Corporation
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Chennai 600 002

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.28239

W.P.No.17361 of 2016

RSY(CO)
CA(13/05/2016)