

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2016

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.17684 of 2016

R.Vijayakumar

.. Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd, Vazhuthareddy,
Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd, Cuddalore Region,
Cuddalore-607 001.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, 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 to settle the petitioner retirement benefits including Leave Salary Gratuity Commutation Dearness Allowance arrears and previous Leave surrender etc. with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honble Court.

For Petitioner:: Mr.M.Selvam

For Respondents:: Mr.S.Sairaman for R1 to R3

ORDER

The petitioner, R.Vijayakumar, has filed this writ petition for issuance of a writ of mandamus, directing the respondents to settle the petitioner retirement benefits including Leave Salary Gratuity Commutation Dearness Allowance arrears and previous Leave surrender etc. with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

2. Heard, Mr.M.Selvam, learned counsel for the petitioner and Mr.S.Sairaman, learned counsel for the respondent.

3. The petitioner joined as a Junior Assistant in the year 1983 in the erstwhile Tamil Nadu State Transport Corporation Limited, Villupuram. He was working as Senior Superintendent in the Personnel Section of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, Gratuity, Commutation, Leave Surrender for 164 days, 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/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vazhuthareddy
Villupuram-
605 602.
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Cuddalore Region
Cuddalore-607 001.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002.

+1cc to Mr.M.Selvam, Advocate Sr.28270

W.P.No.17684 of 2016

ug (CO)

srg (13.05.2016)

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