

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.05.2016

C O R A M

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN

WP.No.18403/2016

S.Abdul Rahim

..Petitioner

Versus

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

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Leave Salary, gratuity, commutation, Dearness Allowance arrears and previous Leave surrender etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum from 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.

For petitioner

... Mr.T.Pappaiah Dharmarajan

For Respondents

... Mr.S.Sairaman

ORDER

Heard the learned counsel for the petitioner ; Mr.S.Sairaman, learned counsel accepting notice for the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage itself.

2 The petitioner has filed the above writ petition seeking for a direction to the respondents to settle the petitioner's retirement benefits including Leave Salary, gratuity, commutation, Dearness Allowance arrears and previous Leave surrender etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum from 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.

3 The petitioner joined as Junior Assistant in the year on 31.08.1988 in the Tamil Nadu State Transport Corporation Limited and then transferred to the Thanthai Periyar Transport Corporation and retired as Superintendent on 31.01.2015 on attaining the age of superannuation. Now, the grievance of the petitioner is, his retirement benefits, namely, including Leave Salary, gratuity, commutation, Dearness Allowance arrears and previous Leave surrender etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum from 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 by the respondents.

4 Since the issue is squarely covered by the various orders passed by this Court, in the light of Hon'ble Division Bench Judgment in WA [MD] Nos.383 to 457 of 2015 dated 12.06.2015 [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 at 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% per annum for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment. No costs.

Sd/-
Assistant Registrar(J) /
Vacation Officer,

//True Copy//

Sub Assistant Registrar

AP

To

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

+1cc to Mr.S. Sairaman, Advocate, S.R.No.28762

+1cc to Mr.T.Pappaiah Dharamarajan, Advocate, S.R.No.

KSJ(CO)
EU(30/05/2016)

WP.No.18043/2016

WEB COPY