

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.18579 of 2016

S.Mani

.. 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

Writ 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 gratuity amount of Rs.7,69,021/-, earned leave salary amount of Rs.3,25,156/-, leave on private affairs of Rs.1,00,000/-, which totally comes to Rs.11,94,177/- (Rupees Eleven Lakhs Ninety Four Thousand One Hundred and Seventy Seven only) with 18% interest on delayed payment to the petitioner, who voluntarily retired from service on 30.09.2012 as Assistant Manager in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.S.Sairaman
Standing Counsel
for Transport Corporation

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. The petitioner, who joined the services as Diploma Apprentice at Cheran Transport Corporation on 18.12.1979, voluntarily retired from service on 30.09.2012. The grievance of the petitioner is that, though, he voluntarily retired from

service on 30.09.2012, till date, he was not paid with the retirement benefits including gratuity amount of Rs.7,69,021/-, earned leave salary amount of Rs.3,25,156/-, leave on private affairs of Rs.1,00,000/-. Therefore, the petitioner submitted a representation before the respondents, on 29.04.2015, seeking to pay the retirement benefits, which totally comes to Rs.11,94,177/- (Rupees Eleven Lakhs Ninety Four Thousand One Hundred and Seventy Seven only), with 18% interest on delayed payment. However, till date, the same has not been considered. Hence, the present writ petition.

3. Mr.D.Veerasekaran, the learned counsel appearing for the petitioner brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioner in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in this Writ Petition also.

4. Mr.S.Sairaman, the learned Standing Counsel, who took notice on behalf of the respondents/Transport Corporation, would affirm that the issue involved in this case is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the 2nd respondent is directed to disburse the

aforementioned retiral benefits to the petitioner in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.07.2016.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The 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.

+1cc to Mr.D.Veerasekaran, Advocate Sr.29332

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srg 23/06/2016

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