

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.22048 of 2016

V.Lakshmanaswamy

..Petitioner

Vs.

1.The Managing Director
Tamil Nadu State Transport
Corporation (Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager
Tamil Nadu State Transport
Corporation (Coimbatore) Limited
No.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 respondents to settle the retirement benefits, such as, gratuity, earned leave and medical leave encashment, dearness allowance, settlement arrears, social welfare fund, SSS fund and commutation amount with interest at the rate of 12% per annum payable from the date of retirement viz., 31.10.2015 till the date of actual payment immediately and to pass such further orders in the circumstances of the case.

For Petitioner : Mr.N.Chandra Raj

For Respondents : Mr.R.S.Selvam
Standing Counsel
for Transport Corporation

ORDER

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

2. The petitioner joined the service of the Transport Corporation on 16.07.1983 and he retired from service with effect from 31.10.2015. The grievance of the petitioner is that

though, he retired from service on 31.10.2015, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondents, on 15.06.2016. However, till date, there was no response. Hence, the petitioner has come up with the present Writ Petition, directing the respondents to immediately settle the retirement benefits due to him with interest at 12% per annum from the date of retirement viz., 31.10.2015 till the date of actual payment.

3. 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 petitioners therein 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. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in this Writ Petition 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 Managing Director and General Manager of the Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioner herein 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 01.08.2016.

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

rk

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Managing Director
Tamil Nadu State Transport Corporation (Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager
Tamil Nadu State Transport Corporation (Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.

+ 1 cc to Mr.R.S.Selvam, Advocate Sr 36749

+ 1 cc to M/s.Raj and Raj Associates, Advocate Sr 36664

KR/13/7/16

W.P.No.22048 of 2016

सत्यमेव जयते
WEB COPY