

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 24962 of 2016

D.Devadasan

.. Petitioner

Vs.

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
Kancheepuram Region
Kancheepuram.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

.. 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 petitioner's retirement benefits including Gratuity, Commutation Leave Surrender (Earned Leave), Settlement arrears, IRT amount and Employees Welfare amount 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 for the belated settlement of retirement benefits to the petitioner payable from the date of retirement, i.e. 31.05.2016 to till date of actual payment to the petitioner within the time to be fixed by this Court.

For Petitioner : M/s.T.Pappaiah Dharmarajan

For Respondents : Mr.S.Sairaman,
Learned Standing Counsel
for TNSTC

ORDER

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

2. The petitioner joined the services of the Transport Corporation and he retired from service on 31.05.2016. On the date of retirement, he was paid certain amount towards Provident Fund. But, other retirement terminal benefits, like Gratuity, Commutation, Leave Surrender (Earned Leave), were not paid to him. In this regard, the petitioner submitted a representation before the respondents. However, till date, there was no response. Hence, the present Writ Petition has been filed.

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 first and second respondents 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 15.10.2016.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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1 cc to Mr.T.Pappaiah Dharmarajan, Advocate, sr.40539

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sr co
kra 05.08.2016



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