

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.25789 of 2016

M.Sadasivam

.. Petitioner

Vs.

M/s.State Express Transport
Corporation Ltd.,

Rep. by its the Managing Director,
Pallavan Salai,
Chennai - 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to settle the terminal benefits of the petitioner with interest for delayed payment of provident fund amount of Rs.2,20,775/-, earned leave amount of Rs.3,44,068/- and social security scheme Rs.35,000/- altogether sum of Rs.5,99,843/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 18.07.2016.

For Petitioner : Mr.M.Madhan Kumar
For Respondents : Mr.P.Kannankumar
Standing Counsel

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 and he retired from service on 31.01.2013. The grievance of the petitioner is that though he retired from service on 31.01.2013, till date, he was not paid the retirement benefits. In this regard, the petitioner submitted representations before the respondent. However, till date, there is 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 respondent, 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 respondent is directed to disburse the 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 15.11.2016.

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

-s/d-

Assistant Registrar

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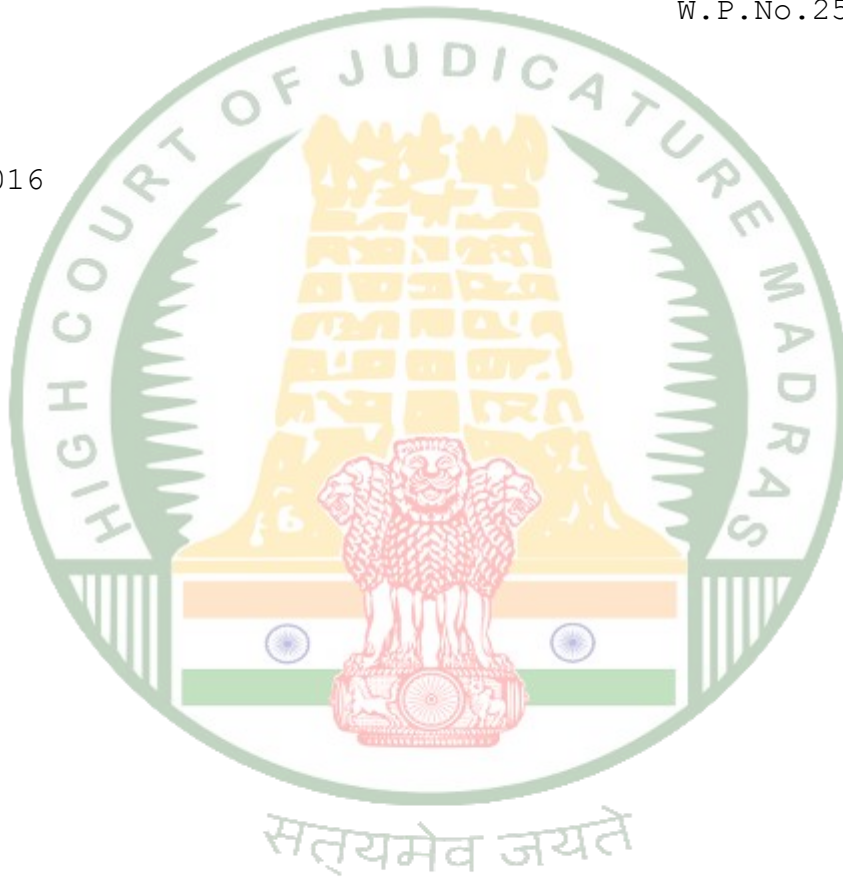
Sub-Assistant Registrar

To
The Managing Director,
M/s.State Express Transport
Corporation Ltd.,
Pallavan Salai,
Chennai - 600 002.

+1 cc to M/s.D.Sundar raj Advocate sr 45189

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