

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30461 of 2016

Kumaravaithi

.. Petitioner

Vs.

1. Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Rep. by its Managing Director,
3/37, Salamedu, Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore Depot - I,
Cuddalore - 607 001.
3. Tamil Nadu State Transport Corporation
Employees Pension Trust,
Rep. by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pay the petitioner forthwith a sum of Rs.6,77,280 towards gratuity, a sum of Rs.2,91,522/- towards encashment of the earned leave, a sum of Rs.70,672/- towards medical leave salary, a sum of Rs.3,880/- towards arrears of difference in dearness allowance for 8 months prior to his retirement, a sum of Rs.15,000/- towards balance amount of arrears of difference in wages payable to him as per the settlement dated 13.04.2015 for the period from 01.09.2013 to 31.12.2015, a sum of Rs.5000/- towards arrears of review benefits and sum of Rs.2,70,919/- towards commuted value of pension, together with interest at the rate of 12% within a specified time as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy
For Respondent : Mr.S.Sairaman
Standing Counsel

O R D E R

By consent, the 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 long before. The grievance of the petitioner is that though, he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was 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 petitioner 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 respective 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 01.01.2017.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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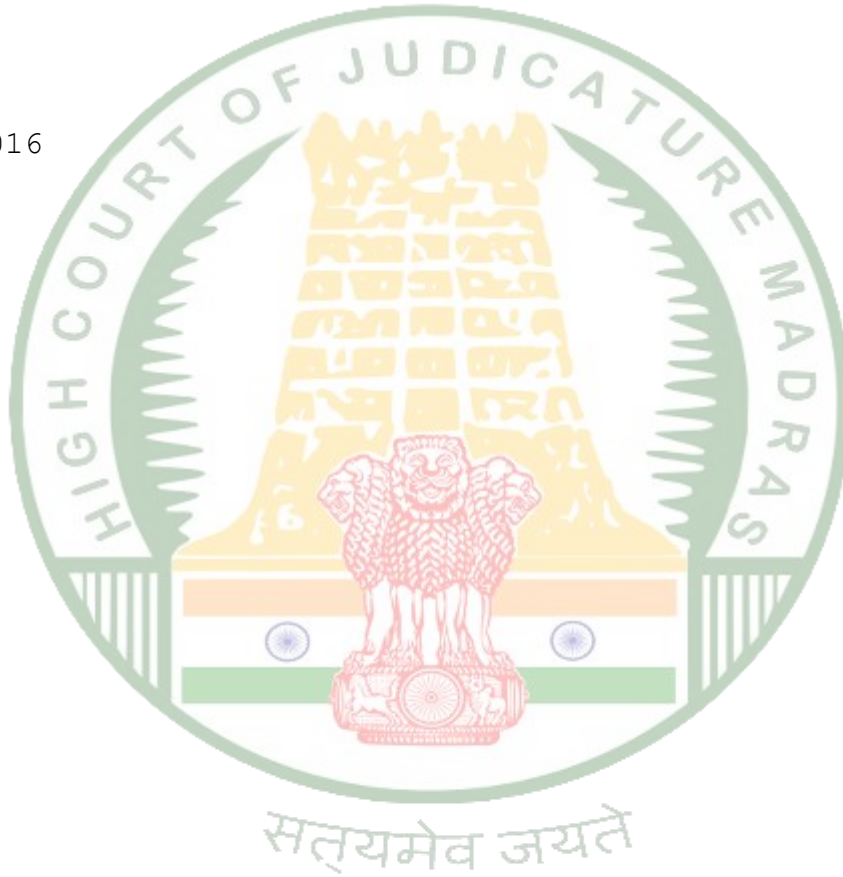
1. The Managing Director
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+1 cc to M/s.V.Ajoy Khose Advocate sr 49695

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