

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30947 of 2016

S.P.Subramanian

... Petitioner

vs.

1.The Government of Tamil Nadu,
rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-9.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam
Road,
Coimbatore-641 043.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits such as Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98) and other eligible terminal benefits after having duly taking into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 31.1.2012 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner :Mr.V.S.Jagadeesan

For Respondents :Mr.S.Sairaman for R2
Mr.S.Gunasekaran
Additional Government Pleader for R1

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to settle his retirement benefits such as Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98) and other eligible terminal benefits after having duly taking into account the enhanced dearness allowance with 18% interest on delayed payment to him from 31.1.2012 the date of retirement till the date of settlement of the terminal benefits to him by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

3. It is the case of the petitioner that he was appointed to the post of Clerk in the respondent corporation on 12.2.1982 and he retired from service as Senior Assistant on attaining the age of superannuation on 31.1.2012. However, after retirement, the terminal benefits such as Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98) and other eligible terminal benefits, were not settled to him. In this regard, he made a representation dated 4.7.2016 to the second respondent requesting him to pay the same. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Learned counsel appearing for the petitioner relied on the judgment of this Court passed in W.P.Nos.8445 to 8447 of 2016 dated: 7.3.2016 (T.Jeyabalan and 2 others vs. The Govt. of Tamilnadu rep. By its Principal Secretary, Transport Department, Fort St. George, Chennai).

5. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

6. Since the issue is squarely covered by the various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others vs. The Tamil Nadu State Transport Corporation (Madurai) Ltd. represented by its Managing Director, Madurai and others), the writ petition is disposed of, with a direction to the second respondent to settle the entire terminal benefits due and payable to the petitioner through 12 equal monthly instalments carrying interest of 6% per annum. The instalments should commence from 1.12.2016 and each of the instalments should be paid on or before 7th of each month.

In case of any delay in 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 petitioner for such non-payment of the instalments. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai-9.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam
Road,
Coimbatore-641043.

+1cc to M/S.V.S.Jagadeesan, Advocate Sr.50289
+1cc to the Government Pleader Sr.50561

सत्यमेव जयते W.P.No.30947 of 2016

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srg 27/09/2016

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