

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.34826 of 2016

WMP.No.29983 of 2016

K.Balan

.. Petitioner

vs.

1.The Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore -641 011.

2.The General Manager,
The Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Mettupalayam Road,
Coimbatore -641 011.

3.The General Manager,
Tamilnadu State Transport Corporation
(Coimbatore) Ltd.,
Erode Region, Chennimalai Road,
Erode-1.

4.The Administrator,
The Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur House,
Pallavan Salai, Chennai-600 002. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity and all other attendant retirement benefits with interest at the rate of 12% per annum from the date of retirement and within the time that

may be stipulated by this Court.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.P.Kannan Kumar

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity and all other attendant benefits with interest at the rate of 12% per annum from the date of retirement and within the time that may be stipulated by this Court.

2. The petitioner was appointed on 19.02.1975 as Tyreman by the second respondent on having sponsored by Employment Exchange. The petitioner service was regularized by the second respondent on 28.03.1977, vide letter No.1190/E3C/54/CTC/77 dated 28.03.1977. Thereafter, on his request, the petitioner was transferred to the third respondent office from second respondent office and after rendering unblemished service for 38 years, retired from service and no disciplinary proceeding was pending against him. The petitioner sent repeated representations for settlement of terminal benefits and his last representation is dated 20.09.2016 and since no response was forthcoming from the respondents, the petitioner has come forward with this writ petition.

3. When the matter is taken up for consideration, the learned counsel appearing for the petitioner relied upon the judgment of the First Bench of this Court dated 12.06.2015 made in W.A.(MD)Nos.383 to 457 of 2015 wherein the First Bench of this Court, relying upon the judgment of the Hon'ble Supreme Court in D.D.Tewari v. Uttara Haryana Bijli Vitran Nigam Ltd., & Ors. [2014 (9) Scale 78] wherein it has been held that in case of any delay in making payment of the instalments, the interest payable would become 18% p.a. for the delayed period, has directed the disbursement of retiral benefits in instalments and by following the same, prays for similar direction.

4. Heard Mr.P.Kannan Kumar, learned counsel appearing for the respondents and also perused the entire materials available on record.

5. In the light of the order dated 12.06.2015 made in W.P. (MD) Nos.383 to 457 of 2015, this writ petition is disposed of and the respondents are directed to settle the retiral benefits to the petitioner including leave salary, gratuity and all other

attendant retirement benefits with interest at the rate of 18% for the delayed period from the date of retirement. The above exercise shall be completed by the respondents within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

jvm

To

- 1.The Managing Director,
The Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore -641 011.
- 2.The General Manager,
The Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
Mettupalayam Road, Coimbatore -641 011.
- 3.The General Manager,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
Erode Region, Chennimalai Road, Erode-1.
- 4.The Administrator,
The Tamilnadu State Transport Corporation Pension Fund Trust,
Thiruvallur House,
Pallavan Salai, Chennai-600 002.

सत्यमेव जयते

W.P.No.34826 of 2016

CTR (CO)
MD : 18/10/2016

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