

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.3597 of 2016

K.S.Krishnaswamy

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Rangapuram, Vellore Region,
Vellore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity and Leave Surrender by calculating D.A. eligible as per newly implemented, with interests at 12% per annum with effect from 1.7.2013 within a stipulated time.

For petitioner : Mr.J.Pradeep

For respondents : Mr.P.Paramasiva Doss

ORDER

Mr.P.Paramasiva Doss, learned counsel takes notice for the respondents.

2. The learned counsel for the petitioner would submit that the petitioner joined the service in the Tamil Nadu State Transport Corporation (Villupuram) Ltd., Vellore Region as Junior Assistant on 1.6.1985 and retired from service on 30.6.2013 on reaching the age of superannuation while he was working as Superintendent. Though he retired two years back,

his retirement benefits, namely, Gratuity and Leave Surrender are not settled and hence the present petition seeking for the relief as stated above.

3. Mr.P.Paramasiva Doss, learned counsel appearing for the respondents would submit that in a similar matter, on identical issue, by judgment dated 12.6.2015 in W.A.(MD) Nos.383 to 457 of 2015, a Division Bench of the Madurai Bench has allowed the respondents to settle the retirement benefits on twelve equal instalments. Based on the said decision, he would submit that the retirement benefits sought in this Writ Petition would be settled through twelve-equal instalments, carrying interest of 6% p.a.,

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Considering the submissions made on either side, and following the Judgment of the Division Bench of Madurai Bench dated 12.6.2015 in W.A.(MD) Nos.383 to 457 of 2015, a direction is issued to the respondents to settle the terminal benefits sought in the Writ Petition due and payable to the petitioner in twelve equal monthly instalments carrying interest of 6% p.a.,. The payment of instalments should commence from March, 2016 and each instalments should be paid on or before 07th of each month. In case of any delay in making the payment of the instalments, the interest payable would be 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for non-compliance of payment as per instalments.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

asvm

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605602.

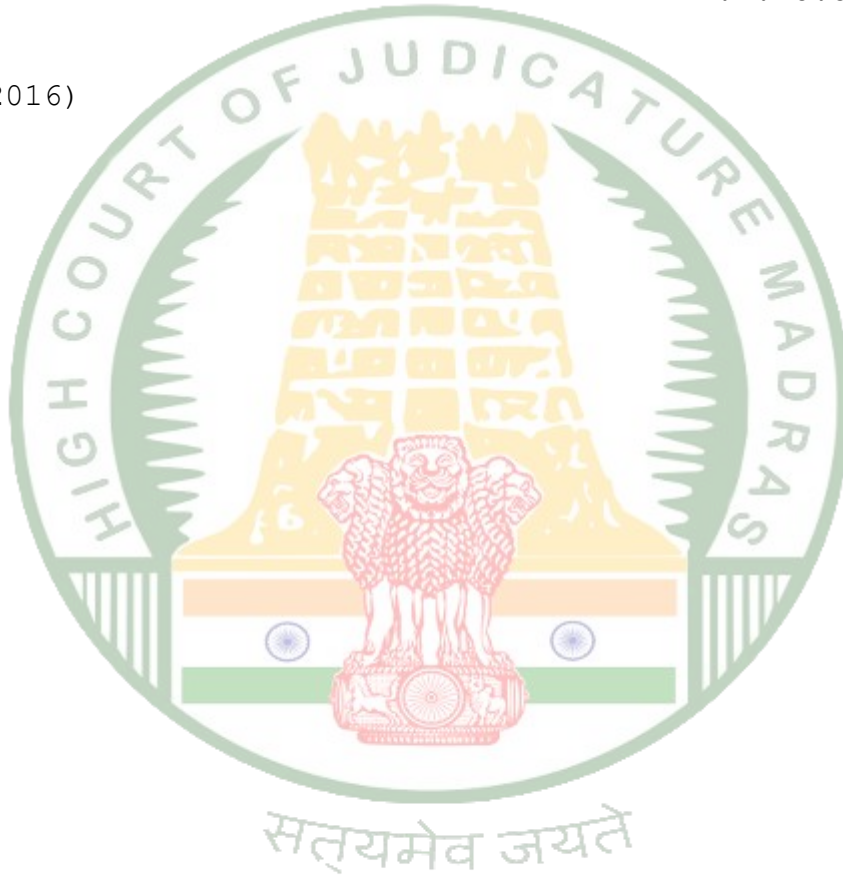
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Rangapuram, Vellore Region,
Vellore.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.6211

+1cc to Mr.P.Paramasiva Doss, Advocate, S.R.No.6620

W.P.No.3597 of 2016

SR(CO)
CA(04/03/2016)



WEB COPY