

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.3906 of 2016

G.Meenakshi Sundaram

.. Petitioner

vs.

1.M/s.State Express Transport Corporation,
rep.by its Managing Director,
Pallavan Salai, Chennai - 600 002.

2.The Financial Controller-cum-Chief Accounts
Officer-cum-Company Secretary,
M/s.State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle petitioner's terminal benefits, namely, earned leave amount for 218 days of Rs.2,70,610, Provident Fund amount Rs.2,57,447/- and Social Security Scheme amount Rs.35,000/- altogether a sum of Rs.5,63,057/- with interest at the rate of 12% p.a.,.

For petitioner : Mr.D.Soundar Raj

For respondents : Mr.P.Paramasiva Doss

ORDER

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

2. By consent, this Writ Petition is taken up for disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner joined the service in the first respondent Transport Corporation as Driver on 13.11.1980 and retired from service on 30.11.2014 on reaching the age of superannuation. However, his retirement benefits, namely, earned leave amount for 218 days of Rs.2,70,610, Provident Fund amount Rs.2,57,447/- and Social Security Scheme amount Rs.35,000/- altogether a sum of Rs.5,63,057/- have not been settled and hence the present petition seeking for the relief as stated above.

4. 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.,.

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

6. 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 first respondent 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.

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

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

asvm

To

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

2.The Financial Controller-cum-Chief Accounts
Officer-cum-Company Secretary,
M/s.State Express Transport Corporation,
Pallavan Salai, Chennai - 600 002.

1 cc to M/s.P. Paramasivadoss, Advocate, Sr. 7297

1 cc to M/s. D. Soundar Raj, Advocate, sr. 6830

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