

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2016

CORAM :

THE HONOURABLE MR. JUSTICE T.RAJA

Writ Petition No.3962 of 2016

N.John Basha

... Petitioner

vs.

The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
12, Ramakrishna Road,
Salem - 7

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 19.10.2015 with regard to payment of retirement benefit within a stipulated time.

For petitioner : Mr.Sundaravadhanam

For respondent : Mr.P.Paramasiva Doss

ORDER

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

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 respondent Transport Corporation as Driver on 26.02.1986 at Attur Branch and retired from service as helper on 31.3.2013 under Voluntary Retirement Scheme due to Health Condition. However, his retirement benefits, namely, Gratuity, Provident Fund, Earned Leave etc., have not been settled and hence the present petition seeking for the relief as stated above.

4. The learned counsel appearing for the respondent 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 respondent 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 respondent.

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 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/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asvm

To

The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007.

+1cc to Mr.P.Paramasiva Doss, Advocate, S.R.No.7298

W.P.No.3962 of 2016

SV(CO)
CA(10/03/2016)