

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2016

CORAM :

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.4035 of 2016

A.Raju

... Petitioner

Vs

The Managing Director
Tamil Nadu Transport Corporation Limited
No.12, Ramakrishna Road,
Salem - 7

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking 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 benefits within the stipulated time.

For petitioner : Mr. Sundaravadhanam

For respondent : Mr.P.Pramasivadoss

ORDER

This writ petition has been filed by A.Raju, seeking writ of mandamus directing the respondent to consider and pass orders on his representation dated 19.10.2015 with regard to payment of retirement benefits.

2. Heard Mr.Sundaravadhanam, learned counsel for the petitioner and Mr.P.Paramasivadoss, learned standing counsel, who took notice for the respondent and with their consent, the main writ petition itself is taken up for disposal.

3. The petitioner joined in the service of the Tamil Nadu Transport Corporation as Driver and had retired as Senior Driver on 28.02.2015. The grievance of the petitioner is that, after his retirement, till date the respondent has not come forward to settle the retirement benefits, namely, Gratuity, Provident Fund, Earned Leave etc., for which the petitioner has

also sent a representation dated 19.10.2015. However, till date the same has not been considered by the respondent.

4. In similar circumstances, a Division Bench of Madurai Bench, while disposing of a batch of Writ Appeals in W.A.(MD) Nos.387 to 457 of 2015, by an order dated 12.6.2015, issued a direction to pay the retirement benefits by way of instalments. The relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the facts and circumstances of the case and also considering the fact that the issue involved in the Writ Petition has already been answered by the Hon'ble Division Bench of the Madurai Bench, this Writ Petition is disposed of in the light of the above said decision. Accordingly, the respondent, namely, the Managing Director of the Transport Corporation is directed to disburse the retirement benefits of the petitioner by way of 12 equal instalments along with interest at the rate of 6% and the first of such 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. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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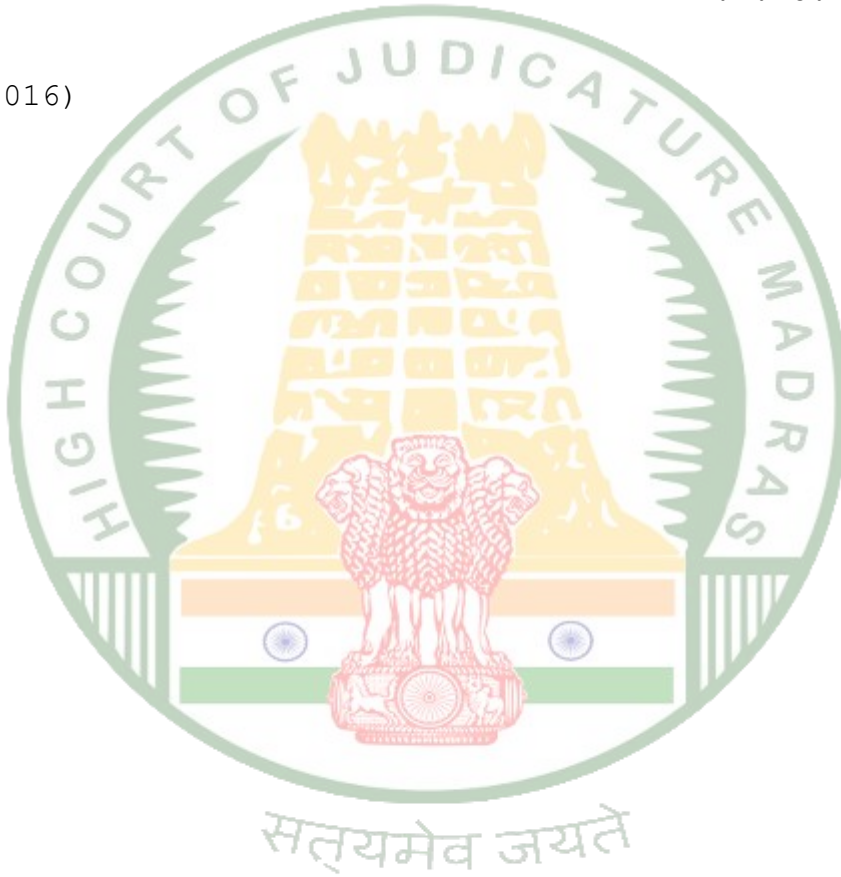
To

The Managing Director
Tamil Nadu Transport Corporation Limited
No.12, Ramakrishna Road,
Salem - 7.

+1cc to Mr.Sundaravadhanam, Advocate, S.R.No.8456

W.P.No.4035 of 2016

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



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