

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4994 of 2016

S.Killivalavan

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
2. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Villupuram Region
Villupuram
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, commutation, dearness allowance arrears, settlement arrears and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.4.2015 to till the date of actual payment to the petitioner within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner :: Mr.M.Selvam

For Respondents:: Mr.S.Sairaman

ORDER

Mr.S.Killivalavan has filed this writ petition for issuance of a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, commutation, dearness allowance arrears, settlement arrears and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.4.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

2. Heard the learned counsel for the petitioner. Mr.S.Sairaman, learned counsel takes notice on behalf of the respondents.

3. The petitioner joined as Driver in the year 1981 in Thanthai Periyar Transport Corporation Limited, Villupuram and retired as Traffic Manager on 30.4.2015 while working in the Villupuram Regional office of the second respondent Corporation on reaching the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, leave salary, gratuity, commutation, dearness allowance arrears, settlement arrears etc., have not been settled till date by the respondents to him.

4. Since the issue is squarely covered by the various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from March, 2016 and each of the instalments should be paid on or before 7th of each month. In case of any delay in 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 petitioner for such non-payment of the instalments. No costs.

Sd/-

Asst.Registrar (CS VII)

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Sub Asst. Registrar

ss

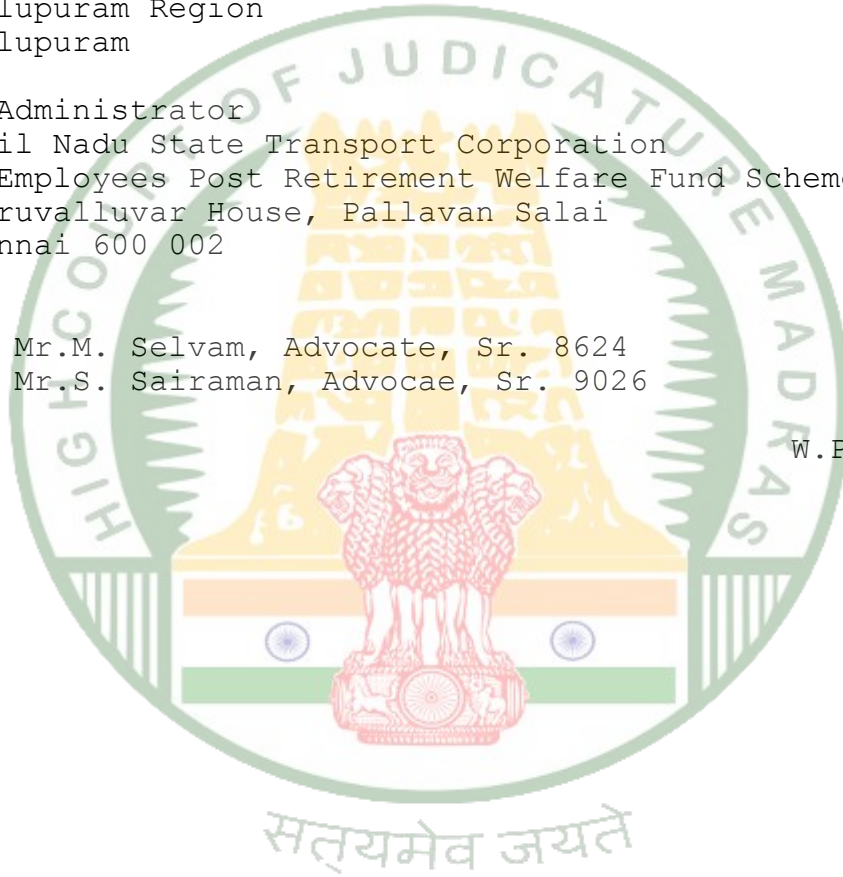
To

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Employees Post Retirement Welfare Fund Scheme
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Chennai 600 002

1 cc to Mr.M. Selvam, Advocate, Sr. 8624
1 cc to Mr.S. Sairaman, Advocaee, Sr. 9026

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