

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.02.2016

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.5875 of 2016

and

MP.No.5235 of 2016

T.Pakkirisamy

.. Petitioner

vs

1. The Secretary
Tamil Nadu Transport Department
Secretariat, Chennai 600 009.
2. The Manager,
Tamil Nadu State Transport Corporation
Employee Pension Department
Thiruvalluvar Illam, Pallavan Salai,
Chennai -600 002.
3. The Managing Director
Tamil Nadu State Transport Corporation
No.27, Railway Station New Road,
Kumbakonam - 621 001.
4. The General Manager,
Tamil Nadu State Transport Corporation
No.27, Railway Station New Road,
Kumbakonam, Thanjavur District
Kumbakonam,
5. The General Manager
Tamil Nadu State Transport Corporation
Nagapattinam, Nagapattinam District

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to settle the entire retirement benefit amount with interest for the payments.

For Petitioner : Mr.K.M.Subrahmaniam

For R1 : Mr.S.Gunasekaran

For R2 to R5 : Mr. P.Kannan Kumar

O R D E R

This writ petition has been filed by T.Pakkirisamy, seeking writ of mandamus directing the respondents to settle the entire retirement benefit amounts to him.

2. Heard Mr.K.M.Subrahmaniam, learned counsel for the petitioner, Mr.S.Gunasekaran, learned Government Advocate, who took notice on behalf of first respondent and Mr.P.Kannan kumar, learned standing counsel, who took notice on behalf of respondents 2 to 5 and with their consent, the main writ petition itself is taken up for disposal.

3. The petitioner joined the service of Tamil Nadu State Transport Corporation and had retired from service on 31.7.2015 on attaining the age of superannuation. At the time of retirement, he was working as a Bus conductor in the Nagapattinam Region of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited. According to the petitioner, though he was retired from service as early as 31.7.2015, till date he was not paid any retirement benefits except for paying the provident fund amount that too, without any interest. Therefore, he submitted a representation before the respondents on 17.12.2015. However, till date, the same has not been considered. Hence, the present writ petition.

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 third 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 III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
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5. The General Manager
Tamil Nadu State Transport Corporation
Nagapattinam, Nagapattinam District

+ 1 cc Government Pleader Sr.10564

+1cc to Mr.Mr.K.M.Subrahmaniam,Advocate SR.No.10672

W.P.No.5875 of 2016

LRS (CO)

Eu 12.04.16