

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9998 of 2016

M.Ramalingam

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road
Coimbatore 641 043
2. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
Erode Region, Chennimalai Road,
Erode 638 001
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
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 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 voluntary retirement i.e., 30.11.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner :: Mr.M.Selvam

For Respondents :: Mr.S.Sairaman

ORDER

The petitioner, Mr.M.Ramalingam 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 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 voluntary retirement i.e., 30.11.2013 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 1982 in the erstwhile Cheran Transport Corporation Limited, Coimbatore and voluntarily retired as Senior Driving Instructor on 30.11.2013 while working in the Gobichettipalayam branch of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

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 April, 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
37, Mettupalayam Road
Coimbatore 641 043

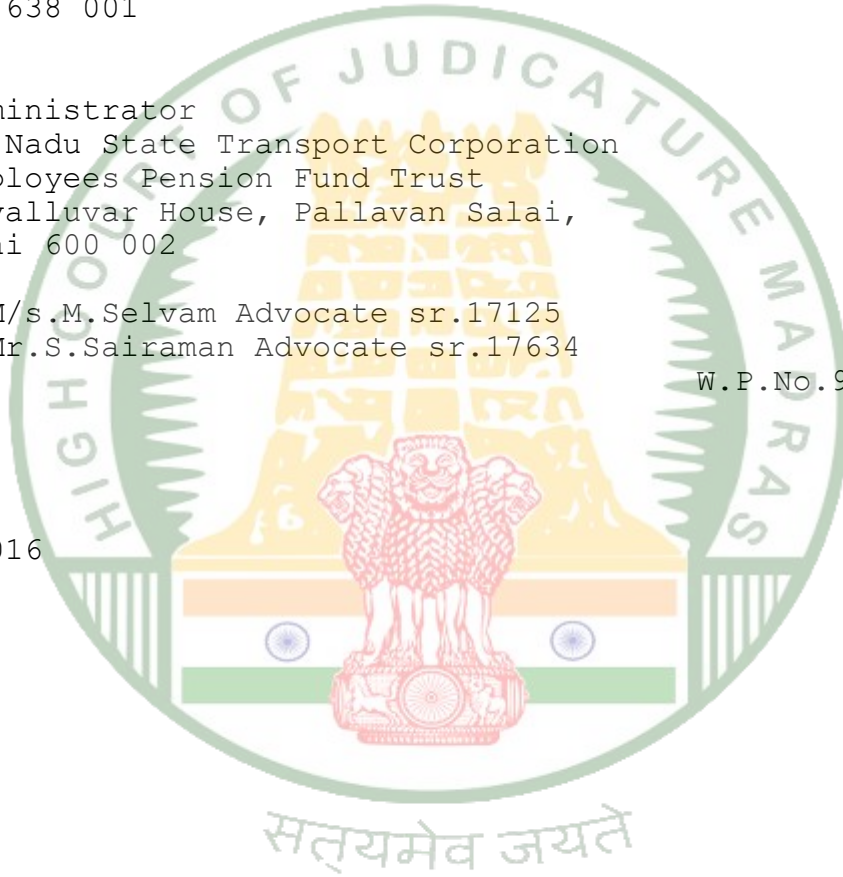
2. The General Manager
Tamil Nadu State Transport Corporation
(Coimbatore) Limited
Erode Region, Chennimalai Road,
Erode 638 001

3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002

+1 cc to M/s.M.Selvam Advocate sr.17125
+1 cc to Mr.S.Sairaman Advocate sr.17634

W.P.No.9998 of 2016

aa07/04/2016



WEB COPY