



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2016

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

W.A. (MD) .No.1011 of 2014

R.Rengasamy

... Appellant/Petitioner

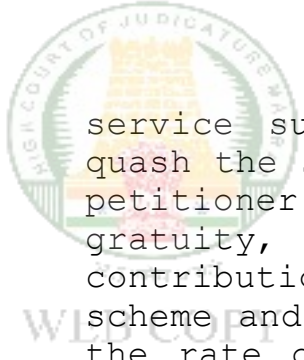
versus

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
New Railway Station Road,
Kumbakonam, Thanjavur District.
2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Regional, Tiruchirappalli.
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai- 600 002.
4. Ravivarma
The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichirappalli. ... Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order, dated 18.06.2014, made in W.P.(MD).No.4415 of 2014.

Prayer in WP(MD). 4415/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus or order or direction in the nature of writ, calling for the records pertaining to the impugned order passed by the 2nd Respondent in Ref. Tha. Aa.Po.Ka/Trichy/ Pa.Pi-Pl/1511/2014 dated 31.01.2014 in so far as permitting the petitioner to retire from



service subject to the outcome of pending disciplinary action, quash the same and consequently direct the respondents to pay the petitioner's monthly pension, provident fund, leave salary, gratuity, refund of Medical, Engineering and polytechnic contribution, refund of contribution towards social security scheme and all other attendant benefits together with interest at the rate of not less than 12% per annum payable from 31.01.2014 till the date of actual payment to the Petitioner.

For Appellant : Mr.A.Rahul

For Respondent : Mr.D.Sivaraman, for R1 & R2

For R3, R4 : No Appearance

JUDGMENT

(Judgment of the Court was made by S.MANIKUMAR ,J.)

Vide order, dated 18.06.2014, in W.P.(MD).No.4415 of 2014, writ Court directed the respondents therein to pay retirement benefits and pension as per seniority with 6% interest. Based on the subsequent order made in W.A.(MD).Nos.383 to 457/2015, dated 12.06.2015, petitioner has prayed for a direction that the retirement benefits be given in instalments. Mr.D.Sivaraman, learned counsel appearing for the transport corporation has no objection for such order being passed. He also submitted that based on the order made in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015, pensioners are paid retirement benefits in instalments. His submissions are placed on record. Order, made in W.A.(MD). Nos.383 to 457/2015, dated 12.06.2015, reads as hereunder:-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2, dated 11/6/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS (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 installments to be paid from July 2015 and



each installments should be paid on or before 7th of each month.

4. The writ appeals are disposed of accordingly."

2. In view of the above, order made in W.P.(MD).No.4415 of 2014, is modified as hereunder:

"The respondents are directed to pay retiral benefits in instalments from May 2016 and it shall be paid in 12 equal monthly instalments and each instalments should be paid on or before 7th of every month."

The writ appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
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Kumbakonam, Thanjavur District.
2. The General Manager,
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Trichy Regional, Tiruchirappalli.
3. The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai- 600 002.

+1cc to Mr.A.Rahul, Advocate, Sr.No.19716

+1cc to Mr.D.Sivaraman, Advocate, Sr.No.19813

jikr

JM/GSV-PM/21.04.2016/3P-6C

W.A. (MD) .No.1011 of 2014
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