



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.06.2016

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

WP (MD) No. 9009 of 2016

V. Periyasamy

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam, Thanjavur District.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Periyamilaguparai,
Trichy-1

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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

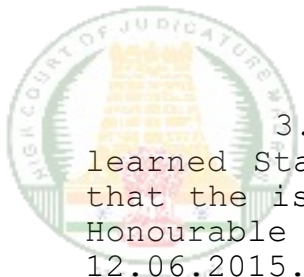
For Petitioner : Mr. N. Sudhagar Nagaraj

For Respondents : Mr. D. Sivaraman
Standing Counsel

ORDER

The petitioner has filed the present writ petition seeking for the issue of a writ of mandamus directing the respondents to pay retirement benefits with interest to the petitioner.

2. The writ petitioner having served as a Special Grade Tradesman in the second respondent branch at Lalgudi was allowed to retire from service with effect from 31.07.2014. But his grievance is that gratuity amount, earned leave, commutation of pension and other retirement benefits namely, Rs. 3,98,475/- and Rs. 1,27,265/- have not been settled. Though the petitioner was allowed to retire from the service of the respondents, till date the respondent Corporation has not settled the retirement benefits. Hence, the petitioner has given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the said representations, the petitioner has come up with the above writ petition.



3. When the matter is taken up for hearing, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents has submitted that the issue has been once and for all covered by a judgment of the Honourable Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioner in the light of the judgment passed by the Honourable Division Bench. He would further submit that while making computation if any recovery to be made against the petitioner, liberty may be granted to the respondent Corporation to do so and after making such recovery, the final disbursement of retiral benefits would be made.

4. Since the issue has already been settled by this Court in W.A.(MD)Nos.383 to 457 of 2015, dated 12.06.2015, for ready reference, the relevant portion of the abovesaid judgment is given as under:-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 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 installments, 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 installment should be paid on or before 7th of each month"

5. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioner in 12 equal installments commencing from 10th July 2016. It is needless to mention that for the unpaid terminal benefits, the respondents shall consider the payment of interest at the rate of 6% per annum as ordered by the Division Bench.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub-Assistant Registrar

+1cc to M/s.N.SUDHAGAR NAGARAJ Advocate Sr.No. 27509

+1cc to M/s.D.SIVARAMAN, Advocate Sr.No. 27592