

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.515 of 2017

K.Marasamy

.. Petitioner

-Vs-

1.Tamil Nadu State Transport Corporation  
(Coimbatore) Ltd.,  
rep. by its Managing Director,  
37, Mettupalayam Road,  
Coimbatore – 43.

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

3.Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
rep. by its Administrator,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai 600 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pay a sum of Rs.2,332/- towards difference in dearness allowance for 2 months from July 2016 to August 2016; revised monthly pension based on the revised D.A. payable to the petitioner as on the date of his retirement with arrears and as revised from time to time based on revision in pension and D.A.; a sum of Rs.6,91,062/- towards gratuity; a sum of Rs.98,340/- towards earned leave salary for 74.5 days; a sum of Rs.2,79,598/- towards Provident fund; monthly pension payable under the Post Retirement Benefit Scheme from September 2016 with arrears; a

sum of Rs.12,823/- for 10 days salary from 21.08.2016 to 31.08.2016 and other service and terminal benefits, together with interest at the rate of 12% per annum for all the above benefits and also to pay the interest for the belated payment of service/terminal benefits.

For Petitioner        ::        Mr.V.Ajoy Khose

For Respondents    ::        Mr.P.Kannan Kumar  
for R1 and R2  
Mr.P.Paramasivadosh for R3

### ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents to pay a sum of Rs.2,332/- towards difference in dearness allowance for 2 months from July 2016 to August 2016; revised monthly pension based on the revised D.A. payable to him as on the date of his retirement with arrears and as revised from time to time based on revision in pension and D.A.; a sum of Rs.6,91,062/- towards gratuity; a sum of Rs.98,340/- towards earned leave salary for 74.5 days; a sum of Rs.2,79,598/- towards Provident fund; monthly pension payable under the Post Retirement Benefit Scheme from September 2016 with arrears; a sum of Rs.12,823/- for 10 days salary from 21.08.2016 to 31.08.2016 and other service and terminal benefits, together with interest at the rate of 12% per annum for all the above benefits and also to pay the interest for the belated payment of service/terminal benefits.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of R1 and R2.

Mr.P.Paramasivadosh, learned Standing Counsel takes notice on behalf of the third respondent.

3. The petitioner joined the service of the respondent Corporation as a Driver on 11.02.1986 and he was retired from service on reaching the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, a sum of Rs.2,332/- towards difference in dearness allowance for 2 months from July 2016 to August 2016; revised monthly pension based on the revised D.A. payable to him as on the date of his retirement with arrears and as revised from time to time based on revision in pension and D.A.; a sum of Rs.6,91,062/- towards gratuity; a sum of Rs.98,340/- towards earned leave salary for 74.5 days; a sum of Rs.2,79,598/- towards Provident fund; monthly pension payable under the Post Retirement Benefit Scheme from September 2016 with arrears; a sum of Rs.12,823/- for 10 days salary from 21.08.2016 to 31.08.2016 and other service and terminal benefits etc., have not been till date settled by the respondents.

4. Since the issue is squarely covered by 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

T.RAJA, J.

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petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from June, 2017 and each of the instalments should be paid on or before 7<sup>th</sup> 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.

10.04.2017

Speaking Order/Non speaking order

Index : yes/no

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