

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.7169 of 2017

S.Selvakumar

.. Petitioner

-vs-

Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., Erode Region
Rep. by its General Manager
Chennimalai Road, Erode - 638 001. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to pay the petitioner forthwith a sum of Rs.4,94,729/- towards gratuity with 10% interest and a sum of Rs.75,545/- towards earned leave salary with 6% interest for 3 months and with 9% interest thereafter till the amounts are actually paid, within a specified time as fixed by this Court.

For Petitioner :: Mr.V.Ajoy Khose

For Respondent :: Mr.P.Paramasivadoss

ORDER

The petitioner has filed this writ petition seeking a direction to the respondent to pay him forthwith a sum of Rs.4,94,729/- towards gratuity with 10% interest and a sum of Rs.75,545/- towards earned leave salary with 6% interest for 3 months and with 9% interest thereafter till the amounts are actually paid, within a specified time as may be fixed by this Court.

2. Heard the learned counsel for the petitioner and Mr.P.Paramasivadoss, learned Standing Counsel who accepts notice on behalf of the respondent.

3. The petitioner joined as a Conductor in the Tamil Nadu State Transport Corporation (Coimbatore) Ltd., Erode Region on 16.6.1985 and he retired from service as Senior Checking Inspector on 31.08.2014, on attaining the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity and earned leave have not been

settled till date by the respondent. With regard to his claim for payment of gratuity, the petitioner also obtained an order dated 24.02.2016 from the concerned authority under the Payment of Gratuity Act. But the said order has not been implemented by the respondent. Thereafter, several representations were made by the petitioner to various authorities concerned, but he was not favoured with any response.

4. The learned Standing Counsel appearing for the respondent would submit that since the petitioner has obtained an order for payment of gratuity, entire amount may be directed to be paid in one lumpsum. However, with regard to the retirement benefits, the same may be directed to be disbursed within twelve equal monthly instalments.

5. 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) and also recording the statement made by the learned Standing Counsel appearing for the respondent, this writ petition is disposed of with a direction to the respondent to pay the gratuity due and payable to the petitioner in one lumpsum, and with regard to the other retirement benefits, the same shall be disbursed in twelve equal monthly instalments carrying interest of 6% p.a. The first instalment should commence from June, 2017 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-

सत्यमेव जयते
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

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

+1 CC to Mr.A. Ajay Khose, Advocate sr 20140

+1 CC to Mr.P. Paramasivadosh, sr 20427

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