

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.718 of 2017

D.Krishnamurthy

..Petitioner

-vs-

1.The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Kancheepuram Region,Kancheepuram - 605 602.

3.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Post Retirement Welfare Fund Scheme,  
Thiruvalluvar House,  
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 settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (EL), D.A. Arrears, RBS arrears and IRT amount with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner        :: Mr.V.Dhandapani

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

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents to settle his retirement benefits including Gratuity, Commutation, Leave Surrender (EL), D.A. Arrears, RBS arrears and IRT amount etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits payable from the date of retirement i.e., 30.06.2016 to till date of actual payment within the time that may be stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of respondents 1 and 2. Mr.P.Paramasivadoss, learned Standing Counsel takes notice on behalf of the third respondent.

3. The petitioner joined the service in the P.T. M.G.R. Transport Corporation Ltd., Kancheepuram at Kalpakkam as Driver on 03.06.1996 and he was retired from service on 30.06.2016 while working as Selection Grade Driver at Ponneri Depot of the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Gratuity, Commutation,

Leave Surrender (EL), D.A. Arrears, RBS arrears and IRT amount 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 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.

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Speaking/Non-speaking order  
Index : yes/no  
vga

T.RAJA, J.

vga

To

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