

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6393 of 2017

A.Periasamy .. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by the Secretary
Transport Department
Secretariat, Fort St.George
Chennai 600 009
2. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road
Salem 636 007
- 3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road
Salem 636 007
4. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Provident Fund, Labour Welfare Fund, Earned Leave Salary, EL Leave Surrender, ML Credit, ERBS Pension arrears, Pension DA arrears, IRT & Medical College Fund and Interest for belated settlement of Provident Fund, Gratuity, Commutation and Labour Welfare Fund and other benefits 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 to the petitioner payable from the date of retirement i.e., 31.01.2017 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner :: Mr.M.Selvam

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R1 Mr.R.K.Gandhi for R2 & 3

ORDER

Mr.A.Periyasamy has filed this writ petition seeking a direction to the respondents to settle the petitioner's retirement benefits including Gratuity, Provident Fund, Labour Welfare Fund, Earned Leave Salary, ML Credit, ERBS Pension arrears, Pension DA arrears, IRT & Medical College Fund and Interest for belated settlement of Provident Fund, Gratuity, Commutation and Labour Welfare Fund and other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of retirement i.e., 31.01.2017 to till date of actual payment to the petitioner, within the time that may be stipulated by this Hon'ble Court.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader takes notice on behalf of the first respondent. Mr.R.K.Gandhi, learned standing counsel takes notice on behalf of the second and third respondents.

3. The petitioner retired from the services of the respondent Corporation as Foreman, on reaching the age of superannuation, on 31.1.2017. However, since his retirement benefits as mentioned above have not been till date settled to him, he has been advised to come to this Court.

4. 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), this writ petition is disposed of with a direction to the respondents to settle the entire retirement 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 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.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

ss

To

1. The Secretary to Government
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishnan Road
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Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+1cc to M/s.M.Selvam,Advocate sr.16483

+1cc to Government Pleader sr.16715

+1cc to M/s.R.K.Gandhi,Advocate sr.16930

W.P.No.6393 of 2017

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ss(28/3/2017)