

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.1045 of 2017

S.Narayana Pillai

... Petitioner

vs

1.The State of Tamil Nadu,
rep by it's Secretary,
Transport Department,
Fort St. George,
Chennai- 600 009.

2.The Tamil Nadu State Transport
Corporation (Tirunelveli)Ltd,
rep. by it's Managing Director,
No.19, Trivandrum Road,
Vannarpettai Post,
Tirunelveli-627 003.

3.The General Manager,
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd, Nagarcoil Region,
Ranithottam,
Nesamani Nagar,
Nagercoil-629001.

सत्यमेव जयते ... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of Mandamus, to direct the respondents to pay to the petitioner, the gratuity amount, Earned Leave salary, amounting to a total sum of Rs. 9,13,481/- along with the other terminal benefits, if any, with interest, calculated from the date of his retirement, dated 31.05.2013, as conceded by the 3rd respondent vide O.O.No.3864/A4/TSTC/2013-1, dated 31.05.2013, on the basis of the petitioner's representation dated 26.09.2016.

For Petitioner :Mr.N.Rajan

For R1 :Mr.T.M.Pappiah
Special Government Pleader

For R2 & R3 :Mr.P.Kannan Kumar

O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the respondent to settle the terminal benefits of the petitioner namely, the gratuity amount, Earned Leave salary, amounting to a total sum of Rs. 9,13,481/- along with the other terminal benefits, if any, with interest, calculated from the date of his retirement, dated 31.05.2013, as conceded by the 3rd respondent vide O.O.No.3864/A4/TSTC/2013-1, dated 31.05.2013, on the basis of the petitioner's representation dated 26.09.2016.

2. Heard the learned counsel appearing for the petitioner. Mr.T.M.Pappiah, learned Special Government Pleader for the first respondent and Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of the second and third respondents.

3. The petitioner joined the service of the respondent Corporation in the year 1981 and he retired from service on 31.05.2013 while working as a Traffic Inspector in the respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Gratuity amount, Earned Leave salary, amounting to a total sum of Rs. 9,13,481/- along with the other terminal benefits, if any, with interest, calculated from the date of his retirement, dated 31.05.2013, have not been till date settled by the respondent Corporation. Hence, he has given a representation on 26.09.2016. But, till date no orders have been passed. Therefore, he has come forward with the present writ petition.

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 installments carrying interest of 6% p.a. The installments should commence from July, 2017 and each of the

installments should be paid on or before 7th of each month. In case of any delay in 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 petitioner for such non-payment of the installments. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai- 600 009.
- 2.The Managing Director
Tamil Nadu State Transport
Corporation (Tirunelveli)Ltd,
No.19, Trivandrum Road,
Vannarpettai Post,
Tirunelveli-627 003.
- 3.The General Manager,
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd, Nagarcoil Region,
Ranithottam,
Nesamani Nagar,
Nagercoil-629001.

+lcc to Mr.N.Rajan, Advocate Sr.26233

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srg 12/05/2017