

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10500 of 2017

1. K.Manimegalai
2. G.Udhayakumar
3. G.Delhi Babu
4. G.Haribabu
5. Mrs.Bhuvaneswari .. Petitioners

-vs-

1. The Government of Tamil Nadu
rep.by the Secretary
Transport Department
Secretariat, St.George Fort
Chennai 600 009
2. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
3. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region
Kancheepuram
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 benefits including Gratuity, Commutation, RBS pension arrears, DA arrears and Settlement arrears and other benefits with interest at the rate of not less than 18% per annum payable from the date of the death of first petitioner's husband and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of benefits to the petitioners payable from the date of retirement on 30.4.2014 of first petitioner's husband namely

P.Gajendran, Staff No.60849 to till date of actual payment to the petitioners within the time that may be stipulated by this Hon'ble Court.

For Petitioner :: Mr.M.Selvam

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

Mr.P.Kannankumar
for R2 to 4

ORDER

The petitioners, being the legal heirs of the deceased employee P.Gajendran, have come to this Court seeking a direction to the respondents to settle the retirement benefits payable to the husband of the first petitioner, namely, Gratuity amount of Rs.4,00,000/-, Commutation amount of Rs.2,00,000/-, RBS Pension arrears of Rs.40,000/-, DA arrears (pension trust) amount of Rs.30,000/- and Settlement arrears of Rs.40,000/-, altogether a sum of Rs.7,10,000/-, with interest at 18% per annum for the belated payment, by considering the representation made by the first petitioner dated 10.3.2017.

2. According to the first petitioner, her husband joined as Conductor in the respondent Corporation on 22.4.82 and retired as Senior Conductor on 30.4.2014 after reaching the age of superannuation. Since the aforementioned retirement benefits due and payable to her husband have not been settled till date, the present writ petition has been filed.

3. Mr.P.Kannankumar, learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retiral benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in this writ petition also.

4. This Court, recording the statement made by the learned standing counsel for the Transport Corporation, taking note 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) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the aforementioned retirement benefits due and payable to the first petitioner's husband through twelve equal monthly instalments carrying interest of 6% p.a., by considering her representation. The instalments should commence from July, 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. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
Transport Department
Secretariat, St.George Fort
Chennai 600 009
2. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
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4. The Administrator
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+1cc to M/s.M.Selvam, Advocate sr.24865

+1cc to M/s.P.KannanKumar, Advocate sr.25928

W.P.No.10500 of 2017

rsk(co)
ss(24/5/2017)