

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.5530 of 2017

S.Ganapathy

.. Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Fort St. George, Chennai - 600 009.
 - 2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Rep. by its Managing Director,
No.19, Trivandrum Road,
Vannarpettai Post, Tirunelveli - 627 003.
 - 3.The General Manager,
Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd., Nagercoil Region,
Ranithottam, Nesamani Nagar,
Nagercoil - 629 001.
 - 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
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 1 to 4 to pay the pending retirement benefits under all Heads together with interest at the rate of 9% along with cost.

For Petitioner :: Mr.C.Johnson

For Respondents :: Mr.Digvijayapandian
Additional Government Pleader for R1

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents 1 to 4 to pay the pending retirement benefits under all Heads together with

interest at the rate of 9% along with cost.

2. Heard the learned counsel for the petitioner. Mr. Digvijayapandian, learned Additional Government Pleader takes notice on behalf of the 1st respondent.

3. The petitioner joined as Conductor in the Tamil Nadu State Transport Corporation, the third respondent herein, on 21.09.1986 and he was retired from service on 30.04.2014. Now the grievance of the petitioner is that the retirement benefits under the following Heads have not been till date settled by the respondents:

- i. Amount due under gratuity as on 30.04.2014
- ii. Interest due under commutation as on 30.04.2014
- iii. Amount due under Earned Leave as on 30.04.2014.
- iv. Interest due under Provident Fund from 01.05.2014 till 28.01.2016.
- v. Differential Amount due under gratuity consequent to Revised pay settlement (enhanced rate @ 5.5% for the period of 8 months on gratuity) (01.09.2003 till date of retirement 30.04.2014). Differential amount due under pension from 01.05.2014 till date of payment (based on revised salary)

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 April, 2017 and each of the instalments should be paid on or before 10th 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-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Fort St. George, Chennai - 600 009.
- 2.The Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Rep. by its Managing Director,
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Nagercoil - 629 001.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Chennai - 600 002.

+1cc to Mr.C.Johnson, Advocate SR.No.14384
+1cc to the Government Pleader SR.No.14729

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