

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9854 of 2017

C. Lakshmana Gounder

... Petitioner

-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 (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 is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, or any other appropriate writ order or direction in the nature of writ directing the respondents to settle to petitioner's retirement benefits including Gratuity, Provident Fund, Labour Welfare fund, EL Leave Surrender, ML Credit, ERBS Pension arrears and Interest for belated settlement of 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., 28.02.2017 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner ::Mr. M.Selvam

For Respondents::Mr. M.Dig Vijaya Pandian
Additional Government Pleader for R1
Mr. P.Paramasivadoss
For R2 to R4

ORDER

The petitioner, having retired from service as Senior Tradesman in the respondent Corporation on 28.02.2017, has filed this writ petition seeking a direction to the respondents to settle all the retirement benefits payable to him, as prayed for in the petition.

2.Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader appearing for the first respondent and Mr.P.Paramasivadoss, learned Standing Counsel, appearing for respondents 2 to 4 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 retirement benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in this writ petition also.

3. This Court, recording the statement made by both the learned Counsel appearing for the respondents, 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 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. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vga
To

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 (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.

+1cc to Mr.M.Selvam, Advocate Sr.24296
+1cc to the Government Pleader Sr.24471

W.P.No.9854 of 2017

ks[co]
srg 05/05/2017