

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6892 of 2017

M.Jayagopi

... 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
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
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

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Communication, RBS Arrears, settlement arrears, DA arrears, IRT amount and EL Surrender 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., 30.09.2016 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 R-1 : Mr.T.M.Pappiah, SPL.GP

For R-2 to 4 : Mr.P.Kannan Kumar

ORDER

Mr.M.Jayagopi, has filed this writ petition seeking direction to the respondents to settle his retirement benefits including Gratuity, Communication, RBS Arrears, settlement arrears, DA arrears, IRT amount and EL Surrender 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 payable from the date of retirement i.e., 30.09.2016 to till date of actual payment to the petitioner.

2.Mr.T.M.Pappiah, learned Special Government Pleader takes notice on behalf of the 1st respondent, and Mr.P.Kannan Kumar, learned counsel takes notice on behalf of the respondents 2 to 4.

3.The petitioner joined the services of the respondent Transport Corporation as a Conductor on 03.06.1996, and he retired as a Selection Grade Conductor on 30.09.2016, and he was drawing a salary a sum of Rs.31,530/-. The grievance expressed by the petitioner is that though he had retired from service as early as on 30.09.2016, the aforesaid terminal benefits have not been settled. Therefore, the petitioner has given a representation on 09.03.2017, to the respondent to settle the terminal benefits due. Since the same has not been considered, hence he has come forward to file the present writ petition.

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 12.06.2015 (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 installments carrying interest of 6% p.a., by considering his pending representation. The installments should commence from June, 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 installment. No costs.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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(Villupuram) Limited,
Vazhurhareddy,
Villupuram.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1 C.C. to M/S.P.Kannan Kumar Advocate SR.NO.18201

+1 C.C. to M/S.M.Selvam Advocate SR.NO.18282

+1 C.C. to The Government Pleader SR.NO.18298

W.P.No.6892 of 2017

NRI (CO)

VS 09.05.2017