

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 17.04.2017
CORAM
THE HONOURABLE MR.JUSTICE T.RAJA.
Writ Petition No.693 of 2017

B.Kamalasekar

... Petitioner

vs

1. The State of Tamil Nadu,
Rep.by its Principal Secretary,
Transport Department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the second respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 17.11.2016.

For Petitioner : Mr.A.Murugan
For R1 : Mr.M.Digvijayapandian, AGP
For R2 : Mr.P.Kannan Kumar

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the second respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 17.11.2016.

2. Heard the learned counsel appearing for the petitioner. Mr.M.Digvijayapandian, learned Additional Government Pleader takes notice for the first respondent and Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of the second respondent and sought time to consider the petitioner's representation dated 17.11.2016.

3. The petitioner joined the service of the Tamil Nadu State Transport Corporation on 23.12.1982 and he retired from service on 31.05.2015 while working as a Checking Inspector in the second respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, leave salary, provident fund, gratuity penal interest, computation and

interest and social security scheme, have not been till date settled by the second respondent Corporation. Hence, he has given a representation on 17.11.2016. 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 second respondent 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.

-s/d-

Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary,
The State of Tamil Nadu,
Transport Department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai - 600 002.

+1 cc to Mr.A.Murugan Advocate sr 23084/17

W.P No.693 of 2017

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