

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:05.05.2017

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THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.11229 of 2017

A.Rajakumar

.... Petitioner

vs

1. The Government of Tamil Nadu,
Rep.by its principal Secretary,
Transport Department, Secetariat,
Fort St.George, Chennai - 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.
 3. The Adminstrator,
Tamil Nadu State Transport
Corporation Pension fund Trust
Thiruvalluvar house,
Pallavan Salai, Chennai - 600 002.
- Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution, praying for the issuance of Writ of Mandamus to directing the Respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98), commutation of pension (Balance), pending in service leave salary for the year 2013-14, (15 days), DA arrears, Retirement benefit scheme, Encashment of unearned leave salary on private affairs, Subscription amount Engineer College and Medical college, Pension DA arrears and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.1.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.6.2015.

For petitioner : Mr.V.S.Jagadeesan
For respondents : Mr.V.Jayaprakash Narayanan
Spl.Government Pleader for R1
Mr.P.Karunakar for R2

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue Writ of Mandamus to direct the Respondents to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98), Commutation of pension (Balance), pending in service leave salary for the year 2013-14, (15 days), DA arrears, Retirement benefit scheme, Encashment of unearned leave salary on private affairs, subscription amount Engineer College and Medical college, Pension DA arrears and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.1.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.6.2015.

2. Heard the learned counsel for the petitioner. Mr.V.Jayaprakash Narayan, learned Spl.Government Pleader takes notice on behalf of the first respondent and Mr.P.Karunakar learned counsel takes notice for the second respondent.

3. According to the petitioner, he was appointed to the post of Junior Assistant on 06.03.1990 in the erstwhile Thanthai Periyar Transport Corporation, Villupuram and retired as Superintendent on 31.01.2015, on reaching the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, gratuity, dearness allowance arrears and encashment of unearned leave on private affairs etc., have not been settled till date by the respondents.

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 12.6.2015 (K.Rajendran and others vs. 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 2 and 3 to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalment should commence from June, 2017 and each of the instalment should be paid on or before 7th of every 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

True Copy

Sub-Assistant Registrar

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To

1. The principal Secretary to Govt,
Transport Department, Secetariat,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.
3. The Adminstrator,
Tamil Nadu State Transport
Corporation Pension fund Trust
Thiruvalluvar house,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.Kannan Kumar, Advocate Sr.No.36848

+1cc to Government pleader, High court, madras. Sr.No.37023

+1cc to Mr.V.S.Jagadeesan, Advocate Sr.No.36710

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