

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.1128 of 2017

A.Thirupathy

.. Petitioner

vs

1. The Managing Director,
TamilNadu State Transport
Corporation limited,
12, Ramakrishna Road,
Salem-636 007.

2. The Administrator,
TamilNadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House,
Pallavan salai.
Chennai-600 002.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of Mandamus to direct the respondents to disburse the payments relating to Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, pension arrears for 7 months, surrender leave salary i.e., earned leave balance as on 30.04.2015, balance dearness allowance arrear for salary, pension, dearness allowance arrear, surrender medical leave salary up to 01.09.1998 which was already surrendered, IRTT amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.05.2015 within stipulated time.

For Petitioner : Mr.C.Vasudevan

For Respondents : Mr.P.Kannan Kumar

O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the respondents to disburse the payments relating to Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, pension arrears for 7 months, surrender leave salary i.e., earned leave balance as on 30.04.2015, balance dearness allowance arrear for salary, pension, dearness allowance arrear, surrender medical leave salary up to 01.09.1998 which was already surrendered, IRTT amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.05.2015 within stipulated time.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of the respondents.

3. The petitioner joined the service in the Tamil Nadu State Transport Corporation on 01.04.1982 and he was retired from service on 30.04.2015 while working as a selection Grade Conductor in the first respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, pension arrears for 7 months, surrender leave salary i.e., earned leave balance as on 30.04.2015, balance dearness allowance arrear for salary, pension, dearness allowance arrear, surrender medical leave salary up to 01.09.1998 which was already surrendered, IRTT amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.05.2015, have not been till date settled by the respondents.

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 installments carrying interest of 6% p.a. 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 installments. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
TamilNadu State Transport
Corporation limited,
12, Ramakrishna Road,
Salem-636 007.
2. The Administrator,
TamilNadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Tiruvalluvar House,
Pallavan salai.
Chennai-600 002.

+1cc to Mr.P.Kannan kumar, Advocate, S.R.No.23026
+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.22226

W.P No. 1128 of 2017

rv(co)
rmp(10/05/17)

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