

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.11767 of 2017

S.Dhandapani

.... 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 (Villupuram) Limited,
Vazuthareddy - Post,
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 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 direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL & ML Surrenders, RBS Arrears, IRT amount, DA arrears and Settlement Arrears with interest at the rate of not less than 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.11.2016 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 respondents : Mr.V.Jayaprakash Narayanan
Spl.Government Pleader for R1
Mr.P.Kannan Kumar for R2 to R4

ORDER

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

"To issue Writ of Mandamus to direct the respondents to settle the petitioners retirement benefits including Gratuity Commutation EL & ML Surrenders RBS Arrears IRT amount DA arrears and Settlement Arrears with interest at the rate of not less than 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.11.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

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.Kannan Kumar learned counsel takes notice for the second respondent.

3. According to the petitioner, he joined the service of Pallavan Transport Corporation Limited, Chennai as a Conductor on 26.11.1989 at Thiruvottiyur Depot and he retired from service on 30.11.2016 as Special Grade Conductor, 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 to 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 Secretary,
The Government of Tamil Nadu,
Transport Department, Secetariat,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazuthareddy - Post,
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.

+lcc to Mr.Selvam, Advocate Sr.No.36800
+lcc to Mr.A.Antony Arockiaraja, Advocate Sr.No.36830

W.P.No.11767 of 2017

rj(co)
nr(18/05/2017)