

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11811 of 2017

S.Sudarkkodi

.. Petitioner

-vs-

1. State of Tamil Nadu
represented by the Additional
Chief Secretary to Government
(Chairman, Transport Corporation)
Transport Department
Fort St.George
Chennai 600 009
 2. The Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
represented by the Managing Director
12, Ramakrishna Road
Salem 636 007
 3. Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
rep by its Administrator
Thiruvalluvar House, Anna Salai
Chennai 600 002
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to disburse the amount payable to the petitioner's husband service benefits towards Gratuity, Earned Leave Surrender and Leave Salary on the time of service, pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time as stipulated by this Hon'ble Court.

For Petitioner :: Mr.K.Harikrishnan

For Respondents :: Mr.R.K.Gandhi
Standing Counsel

ORDER

The petitioner is the wife of late C.Selvan, who was employed as Senior Grade Driver in the respondent Corporation. According to the petitioner, while her husband was serving in the said post, he unfortunately died on 30.12.2011. Therefore, she has come to this Court with the present writ petition seeking a mandamus to the respondents to settle all the terminal benefits due and payable to her husband, namely, Gratuity, Earned Leave Surrender and Leave Salary at the time of service pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum, within a stipulated time.

2. Mr.R.K.Gandhi, learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retiral benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in this writ petition also.

3. This Court, recording the statement made by the learned standing counsel for the respondents, taking note 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) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the aforementioned retirement benefits due and payable to the petitioner's late husband through twelve equal monthly instalments carrying interest of 6% p.a., to the petitioner by considering her representation. The instalments should commence from July, 2017 and each of the instalments should be paid on or before 7th of each 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. With this direction, the writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

ss

To

1. The Additional Chief Secretary to Government
(Chairman, Transport Corporation)
Transport Department
Fort St.George
Chennai 600 009

2. The Managing Director
Tamil Nadu State
Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road
Salem 636 007

3. The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House, Anna Salai
Chennai 600 002

+1 cc to Ma.K.Harikrishnan Advocate sr 39383

W.P.No.11811 of 2017

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