

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.11852 of 2017

P.Kalianna Gounder

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation Limited (Coimbatore),
37, Mettupalayam Road,
Coimbatore.

2. The Administrator,
Tamilnadu State Transport
Corporation Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai - 2.

....Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to disburse the payments relating to Provident Fund, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, Surrender Leave Salary i.e Earned leave balance as on 31.07.2014, balance dearness allowance, Surrender Medical Leave Salary up to 01.09.1998 by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.08.2014 within stipulated time as may be fixed by this Hon'ble Court.

For Petitioner .. Mr.I.C.Vasudevan

For Respondents.. Mr.P.Kannan Kumar
for Transport Corporation

ORDER

The petitioner, after joining the respondent-Corporation as Driver, retired from service on 31.7.2014 as Selection Grade Driver. It is stated by the learned counsel for the petitioner that the gratuity amount has been paid to the petitioner without interest. Therefore, he pleaded that a direction may be

issued to the respondents to pay interest thereon for the gratuity amount and also a direction to settle the balance retirement benefits due and payable to the petitioner, namely, Provident Fund, Pension Commutation, Family Welfare Fund balance, ERBS Pension arrears, Surrender Leave Salary i.e Earned leave balance as on 31.07.2014, balance dearness allowance, Surrender Medical Leave Salary up to 01.09.1998 by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.08.2014 within stipulated time as may be fixed by this Hon'ble Court.

2. Mr.P.Kannankumar, 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 counsel for the petitioner that the gratuity amount has been paid to the petitioner without interest, 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 balance retirement benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% per annum. 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. The respondents shall also consider the request of the petitioner for payment of interest on the gratuity amount, if not paid already, at the rate of 6% per annum. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamilnadu State Transport
Corporation Limited (Coimbatore),
37, Mettupalayam Road,
Coimbatore.

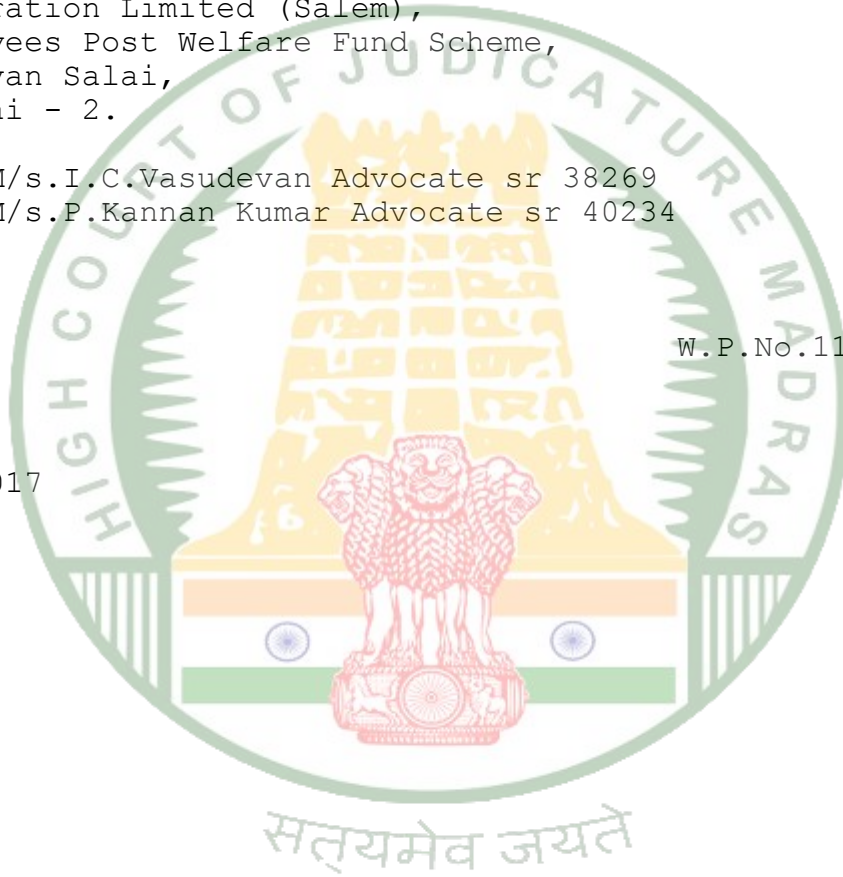
2. The Administrator,
Tamilnadu State Transport
Corporation Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai - 2.

+1 cc to M/s.I.C.Vasudevan Advocate sr 38269

+1 cc to M/s.P.Kannan Kumar Advocate sr 40234

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