

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11888 of 2017

K.Sakthivel

... Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
 2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore
 3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan 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 payments relating to Gratuity, Pension Commutation, D.A.Arrears, unavailed portion leave salary, yearly surrender leave amount, 12(3) settlement arrears and all other attendant benefits by calculating D.A.eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.03.2017 within stipulated time as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.J.Pradeep

For Respondents:: Mr.P.Kannankumar

ORDER

The petitioner, after joining the respondent-Corporation as Junior Tradesman, retired from service on 28.2.2017 in the post of Junior Engineer. His grievance is that his retirement benefits, namely, Gratuity, Pension Commutation, D.A.Arrears, unavailed portion leave salary, yearly surrender leave amount, 12(3) settlement arrears and all other attendant benefits by calculating D.A.eligible as per newly implemented scheme have not been till date settled. Therefore, he has come to this Court seeking a direction to the respondents to settle the aforementioned retirement benefits with interest at 12% per annum with effect from 01.03.2017 within the stipulated time as 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 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 through twelve equal monthly instalments carrying interest of 6% p.a. 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.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602

2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore

3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002.

+1cc to Mr.J.Pradeep, Advocate Sr.39318

+1cc to Mr.P.Paramasivados, Advocate Sr.39638

W.P.No.11888 of 2017

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srg 16/06/2017



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