

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.12148 of 2017

O.S.Kuppusamy

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation [Coimbatore] Ltd.,
Head Office No.37,
Mettupalayam Road,
Coimbatore - 641 043.

... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to settle the terminal benefits of gratuity amount of Rs.20,42,008/-, provident fund amount of Rs.15,08,652/-, earned leave amount of Rs.9,99,343/-, unearned leave of Rs.3,26,452/- and pension arrears altogether a sum of Rs.48,76,455/- with interest at the rate of 18% per annum by considering the representation of the petitioner dated 19.04.2017.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.P.Kannan Kumar
Standing Counsel

सत्यमेव जयते
O R D E R

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner has joined the services of the Transport Corporation on 07.12.1984 and he retired from service on 30.09.2016. The grievance of the petitioner is that though, he retired from service in the year 2016, till date, he was not paid with the retirement benefits. In this regard, he submitted representation before the respondent, on 19.04.2017. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was filed.

3. The learned counsel appearing for the petitioner, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the respondent, would affirm that the issue involved in this Writ Petition is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioner herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from first week of July 2017.

6. With the above direction, the Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sri

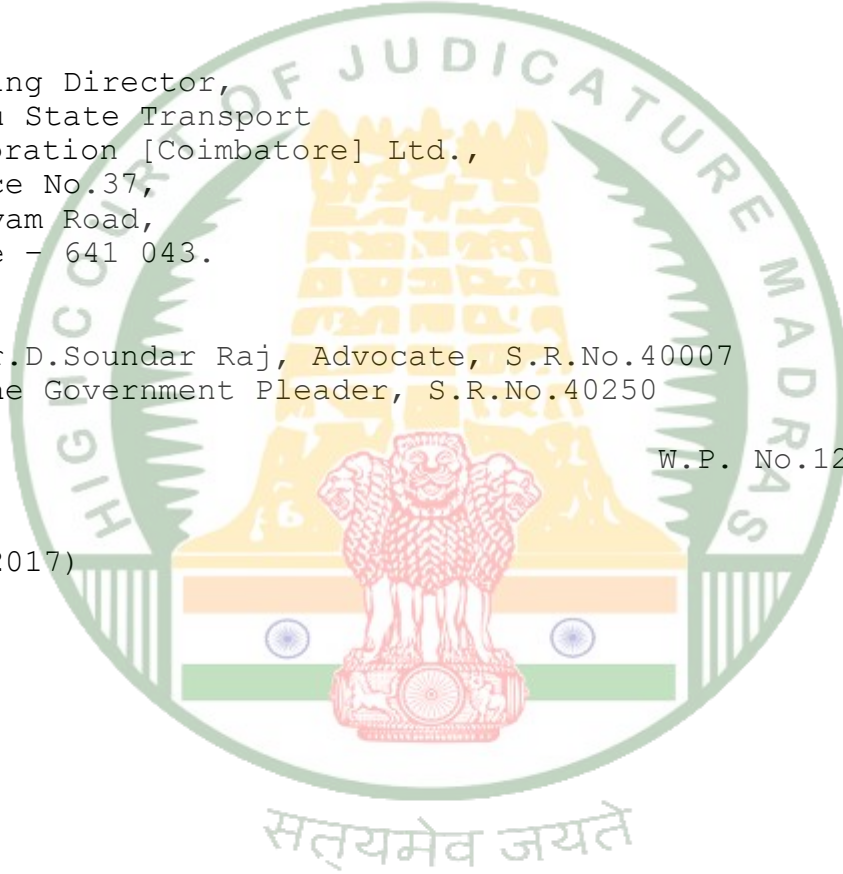
To

The Managing Director,
Tamil Nadu State Transport
Corporation [Coimbatore] Ltd.,
Head Office No.37,
Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.40007
+1cc to the Government Pleader, S.R.No.40250

W.P. No.12148 of 2017

CS IV
CA(20/06/2017)



WEB COPY