

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1251 of 2017

V.Raju, Staff No.009574,
S/o.Veerasley

... Petitioner

vs.

1) The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.

2) The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Limited,
37, Mettupalayam Road,
Coimbatore-641043.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to disburse the retirement benefits of gratuity of Rs.6,05,000/-, Earned Leave Surrender Salary of Rs.53,000/- and total comes to Rs.6,58,000/- (Rupees Six Lakhs Fifty Eight Thousand only) with 18% interest on delayed payment to the petitioner Staff No.009574 who has retired from service on 31.03.2014 as Senior Checking Inspector in the second respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.T.M.Pappiah
Spl. Govt. Pleader for R1

Mr.P.Kannan Kumar for R2 & R3

ORDER

The petitioner/V.Raju has filed the present Writ Petition seeking a Writ of Mandamus directing the respondents to disburse the retirement benefits of Gratuity of Rs.6,58,000/- to him.

2. According to the petitioner, after completing 32 years of service, he retired from service as Senior Checking Inspector on 31.03.2014. Though the petitioner was allowed to retire from the service of the respondents, till date, the respondent Corporation has not settled the following retirement benefits.

Terminal Benefits as:	Amount payable
Gratuity Amount	Rs.6,05,000/-
Earned Leave Surrender Salary	Rs. 53,000/-
Total	Rs.6,58,000/-

Hence, the petitioner came forward to file this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, the Madurai Bench of this Court, vide judgment dated 12.06.2015 made in W.A. (MD).No.383 to 457 of 2015, has passed the following order:

"The learned Additional Advocate General submits that he has obtained written instructions, vide Letter No.7945/B/2015-2 dated 11/6/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. v. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS [2014 (9) SCALE 7] 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.

4. The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed. "

4. The learned counsel appearing for the petitioner would submit that the petitioner's case may be considered in the light of the above said decision, since the issue involved in this writ petition has already been answered in the above said decision by the Hon'ble Division Bench of this Court.

5. Following the said decision, without going into the

merits of the matter, the second respondent is 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 1st week of June, 2017 and each of the instalments should be paid on or before 7th of each month till the entire payment is made.

6. With the above direction, the writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-DR)

True Copy

Sub-Assistant Registrar

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To

- 1) The Principal Secretary to Government,
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Chennai-600 009.
- 2) The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Limited,
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Coimbatore-641 043.

+1 cc to Mr.D.Veerasekaran Advocate sr 19003

+1 cc to Mr.P.Kannan Kumar Advocate sr 19199

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