

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33216 of 2017

K.Boopathy, Staff No.D12174 .. Petitioner

-vs-

1. The Principal Secretary to Government
Transport Department
Fort St.George, Chennai 600 009
2. The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai 600 002
3. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
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 2nd & 3rd respondents to disburse the retirement benefits viz. Earned Leave Surrender Salary Amount of Rs.2,68,000/- Pension Commutation Amount of Rs.3,06,000/-, Leave on Private Affairs amount to Rs.55,000/-, Settlement Arrears Amount of Rs.39,000/-, Pension arrears amount of Rs.17,900/- and Dearness Allowance arrears amount of Rs.3,660/-, the total comes to Rs.6,89,560/- (Rupees Six Lakhs Eighty Nine Thousand Five Hundred and Sixty Only) with 18% interest on delayed payment to the petitioner the Traffic Inspector who has retired from service on 28.02.2014.

For Petitioner :: Mr.D.Veerasekaran

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.P.Kannankumar for R2 & 3
ORDER

The petitioner, having retired from service as Traffic Inspector in the respondent Corporation on 28.2.2014, has filed this writ petition seeking a direction to the respondents 2 & 3 to disburse the retirement benefits payable to him, namely, Earned Leave Surrender Salary Amount of Rs.2,68,000/- Pension

Commutation Amount of Rs.3,06,000/-, Leave on Private Affairs amount to Rs.55,000/-, Settlement Arrears Amount of Rs.39,000/-, Pension arrears amount of Rs.17,900/- and Dearness Allowance arrears amount of Rs.3,660/-, the total comes to Rs.6,89,560/-, with interest at 18% per annum for the delayed payment.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the State and 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 joint statement made by the learned Special Government Pleader and 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 entire retirement benefits due and payable to the petitioner as aforementioned through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from January, 2018 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

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Transport Department
Fort St.George
Chennai 600 009

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Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai
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Chennai 600 002

+1cc to M/s.D.Veerasekaran, Advocate SR.No.90932

sm:17.1.2018

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