

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.13746 of 2017

T. Rathamani

... Petitioner

Vs.

Tamil Nadu State Transport Corporation Ltd.
37, Mettupalayam Road
Colimbatore 641 043
represented by its Managing Director

... Respondent

Writ Petition under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pay the petitioner, all the terminal benefits, which she is entitled on account of the death of her husband, including leave salary amount, SSS Fund, IRT Deposit Amount and all other benefits with interest at the rate of 18% per annum within a time frame and also to grant interest at the rate of 18% per annum for the belated settlement of eligible benefits, viz., Gratuity, Provident Fund amount from the date of accrual to till the date of settlement by the respondent within a time frame.

For petitioner : Mr.A.Rajendiran

For respondent : Mr.P.Kannan Kumar
Standing Counsel

ORDER

Mr. P. Kannan Kumar, learned Standing Counsel, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner's husband was working in the respondent Transport Corporation and he died in harness as Superintendent (Bills) on 21.07.2014. The petitioner has filed this writ petition seeking a writ of mandamus, directing the respondent to pay her, all the terminal benefits, which she is entitled to, on account of the death of her husband, including leave salary amount, SSS Fund, IRT Deposit Amount and all other benefits with interest at the rate of 18% per annum within a time frame and also to grant interest at the rate of 18% per annum for the belated settlement of eligible benefits, viz., Gratuity, Provident Fund amount from the date of accrual till the date of settlement by the respondent within a time frame, taking into consideration, her representation dated 20.05.2017.

3. The learned Standing Counsel for the Transport Corporation submitted that since there has been a direction issued by a Division Bench of this Court in identical cases in W.A.(MD) Nos.383 to 457 of 2015 [K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited, represented by its Managing Director, Madurai and others] vide judgment dated 12.06.2015 directing the Transport Corporation to disburse all the retiral benefits in 12 equal monthly instalments with 6% interest per annum, a similar direction may be issued in this writ petition as well.

4. This Court, recording the statement made by the learned Standing Counsel for the respondent Corporation and taking note of the judgment dated 12.06.2015 of the Division Bench in W.A. (MD) Nos.383 to 457 of 2015 referred to above, directing the respondents therein to settle the retirement benefits of the appellants therein in 12 equal monthly instalments with 6% interest per annum, hereby directs the respondent to settle the entire retirement benefits due and payable to the petitioner, on account of her husband's demise, in 12 equal monthly instalments with interest at the rate of 6% p.a. The instalments shall commence from July, 2017 and each of the instalments shall be paid on or before 7th of each month. In case of any delay in payment of 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 instalments.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-

Assistant Registrar(CS VIII)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

cad

To

The Managing Director
Tamil Nadu State Transport Corporation Ltd.
37, Mettupalayam Road
Colimbatore 641 043.

+1cc to Mr.A.Rajendiran, Advocate, S.R.No.39793

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.40466

W.P.No.13746 of 2017

LRS (CO)

CA (20/06/2017)

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