

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13908 of 2017

K.Sivaji

... Petitioner

-Vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Salai
Post Box No.713
Salem-7

2. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
Bharathipuram, Salem Main Road
Dharmapuri
Dharmapuri District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the entire terminal benefits payable to the petitioner including Provident Fund, Gratuity, monthly pension and terminal leave salary and etc., together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.R.K.Gandhi

ORDER

The petitioner, after joining the respondent-Corporation as Security Guard, retired from service on 31.12.2011 in the said post on reaching the age of superannuation. His grievance is that his retirement benefits including Provident Fund, Gratuity, monthly pension and terminal leave salary etc., 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 18% per annum with effect from 31.12.2011 within the stipulated time as fixed by this Hon'ble Court.

2. Mr.R.K.Gandhi, 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. Consequently, W.M.P.No.15094 of 2017 is closed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

SS
To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Salai
Post Box No.713, Salem-7.
2. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Limited
Bharathipuram, Salem Main Road
Dharmapuri, Dharmapuri District.

+1cc to Mr.A.Ilaya Perumal, Advocate, S.R.No.40163
+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.40836

W.P.No.13908 of 2017

GJ II(CO)
CA(20/06/2017)

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