

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14963 of 2017

Mr.P.Kaniappan

.. Petitioner

-vs-

1. The Government of Tamil Nadu
rep.by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai 600 009

2. The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road
Coimbatore 641 043

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement dues such as encashment of unearned leave on private affairs vide in Government letter No.37568/BPE/2006 dated 28.01.2008 and to pay the Difference in encashment of earned leave salary after taking into account of dearness allowance with interest of 18% on delayed payment from 31.03.2009 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner :: Mr.V.S.Jagadeesan

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.A.Antony Arockiaraja for R2

ORDER

The petitioner retired from the services of the respondent Corporation on 31.3.2009. But his grievance is that he was not till date disbursed with the following two terminal benefits, namely, (i) encashment of unearned leave on private

affairs for 90 days in a sum of Rs.1,07,198/- and (ii) difference in earned leave salary in a sum of Rs.42,023/-, as per his calculation. Therefore, he has given a representation on 26.5.2016. But finding no response on the said representation, he has come to this Court seeking a direction to the respondents to settle the aforementioned benefits, in the light of the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

2. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the State and Mr.A.Antony Arockiaraja, learned standing counsel for the Transport Corporation jointly 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 retirement 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 respective learned 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., by considering his representation. 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. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

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

2. The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road
Coimbatore 641 043

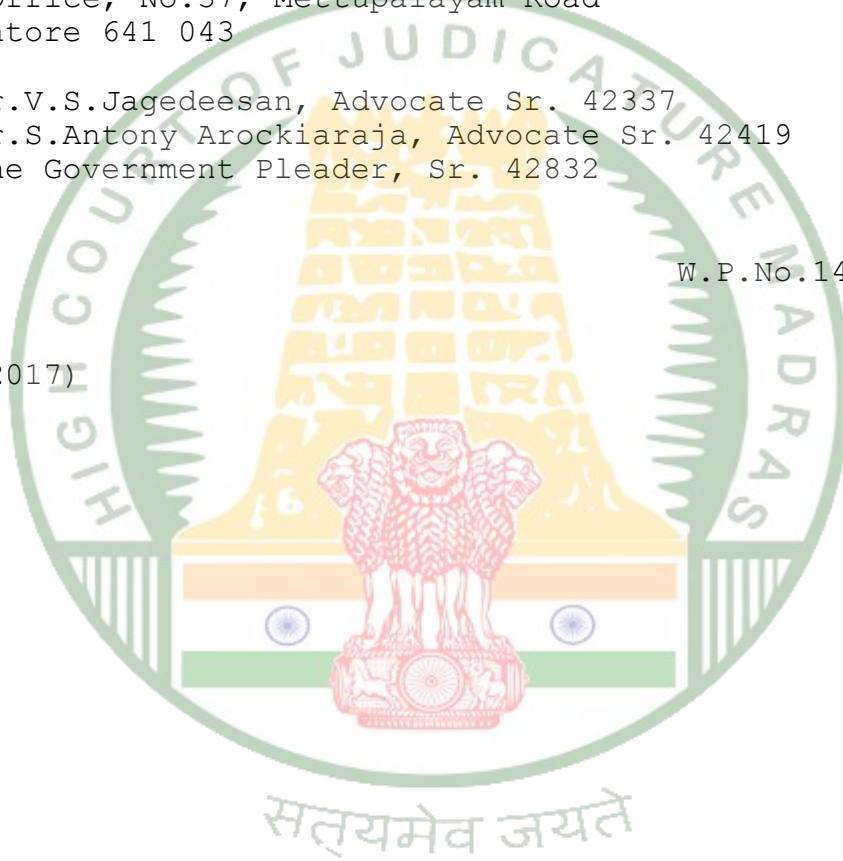
+1cc to Mr.V.S.Jagedeesan, Advocate Sr. 42337

+1cc to Mr.S.Antony Arockiaraja, Advocate Sr. 42419

+1cc to the Government Pleader, Sr. 42832

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MSM(CO)
VR(27/06/2017)



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