

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1667 of 2017

A.Venkatachalam

.. Petitioner

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 636 002.
- ..Respondents

Prayer:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus to direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Pension arrears, Surrender Leave (EL & ML) with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently to direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 28.02.2013 to till the date of actual payment to the petitioner.

For Petitioner :: Mr.Durai Gunasekaran

For Respondents :: Mr.R.K.Gandhi

ORDER

The petitioner has filed this writ petition seeking a direction to the respondent to settle his retirement benefits i.e Provident Fund, Gratuity, Earned Leave, etc.

2. Heard the learned counsel for the petitioner. Mr.R.K.Gandhi, learned counsel takes notice on behalf of the respondents.

3. The petitioner joined as Driver on 20.03.1987 in the respondent Corporation and after rendering 26 years of unblemished service, he retired from service on 28.02.2013 on attaining the age of superannuation.

4. Now, the only grievance of the petitioner is that his retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

5. Since the issue is squarely covered by the various orders passed by this Court, in the light 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), this writ petition is disposed of with a direction to the respondent to settle the entire terminal 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. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

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

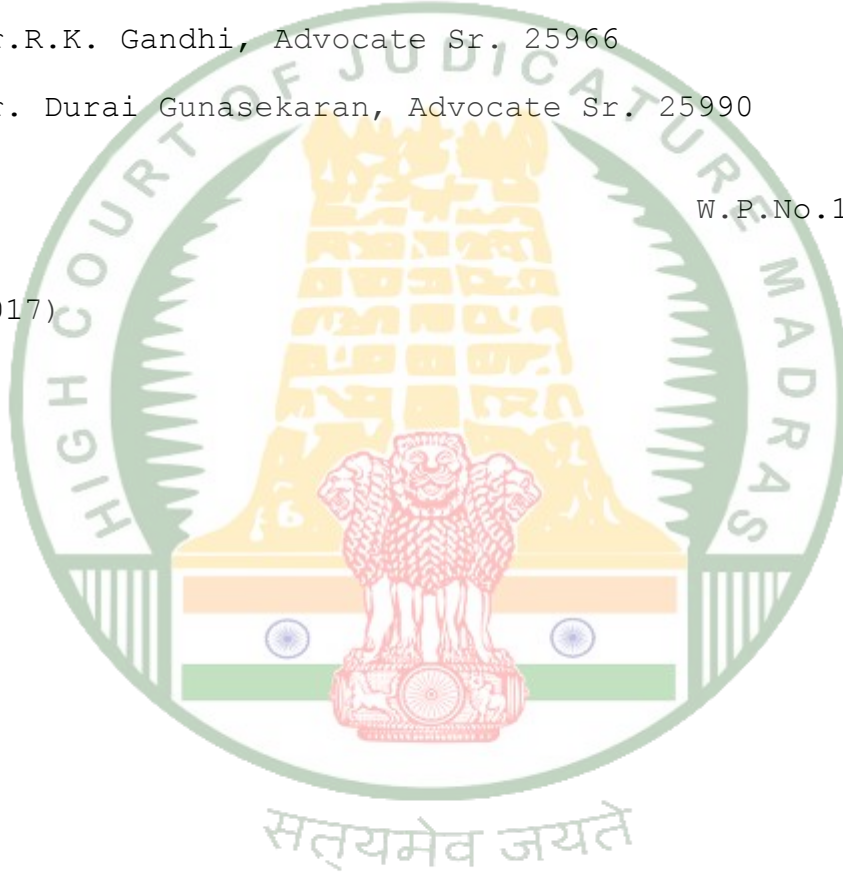
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 636 002.

+1cc to Mr.R.K. Gandhi, Advocate Sr. 25966

+1cc to Mr. Durai Gunasekaran, Advocate Sr. 25990

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RSY(CO)
VR(24/5/2017)



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