

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.42799 of 2016

G.Kumar

... Petitioner

vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation(Villupuram) Limited,
Chengalpet II Depot
Kancheepuram District.

2.The General Manager,
Tamil Nadu State Transport
Corporation(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002

..... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of writ of Mandamus, to direct the respondents, to disburse the retirement benefits such as Provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave Medical Leave Benefits payable with interest at the rate of not less than 18% from 30.06.2016, the date of voluntary retirement and consequently directing the respondents to pay interest at the rate of 18% P.A for the belated settlement of retirement benefits from the date of voluntary retirement to till the date of actual payment within the prescribed time.

For Petitioner : M/S.Thiripurasundari

For Respondents : Mr.P.Kannan Kumar

O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the respondents to disburse the retirement benefits such as Provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave Medical Leave Benefits with interest at the rate of not less than 18% from 30.06.2016, the date of voluntary retirement and to pay interest at the rate of 18% p.a for the belated settlement of retirement benefits from the date of voluntary retirement to till the date of actual payment within the prescribed time.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Kannan Kumar, learned Standing counsel takes notice on behalf of the respondents.

3. The petitioner joined the service in the Tamil Nadu State Transport Corporation on 18.11.1985 and he was retired from service on 30.06.2016 while working as a Selection Grade Driver in the respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave, Medical Leave Benefits payable with interest at the rate of not less than 18% from 30.06.2016, the date of voluntary retirement and the interest at the rate of 18% a.m for the belated settlement of retirement benefits from the date of voluntary retirement to till the date of actual payment, have not been till date settled by the respondents.

4. Since the issue is squarely covered by 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 respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly installments carrying interest of 6% p.a. The installments should commence from June, 2017 and each of the installments should be paid on or before 7th of each month. In case of any delay in the payment of the installments, 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 installments. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

dn

+1cc to M/S. Thiripurasundari, Advocate Sr. 21875
+1cc to P. Kannan Kumar, Advocate Sr. 23023

W.P No.42799 of 2016

SCD(CO)
VR(25/4/2017)



WEB COPY