

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.43401 of 2016

K. Sethuraman

Petitioner

vs.

1 The Government of Tamil Nadu
represented by its Secretary
Transport Department
Fort St. George
Chennai

2 The Management of
Tamil Nadu State Transport
Corporation (Kovai) Ltd.
represented by its Managing Director
Erode Region
Erode

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to pay the petitioner Rs.1,99,163/- towards leave salary, Rs.1,29,435/- towards encashment of leave on personal affairs and Rs.76,776/- towards balance of gratuity, together with 18% interest per annum, along with interest amount towards delayed payment of part of the gratuity amount of Rs.6,45,734/- for the period from 31.01.2012 to 30.12.2013 and towards the delayed payment of EPF Employees Contribution amount of Rs.5,09,112/- for the period from 31.01.2012 to 06.11.2012 at the rate of 18% per annum within a time frame.

For petitioner

Mr. V. Ajoy Khose

For R1

Mr. V. Jayaprakash Narayanan
Special Government Pleader

For R2

Mr. P. Kannan Kumar
Standing Counsel

ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the first respondent. Mr. P. Kannan Kumar, learned Standing Counsel, accepts notice for the second respondent. With consent, this writ petition is taken up for final disposal.

2 The petitioner, having retired from service as Selection Grade Assistant Engineer in the respondent Corporation on 31.01.2012, has filed this writ petition seeking a writ of mandamus directing the respondents to pay Rs.1,99,163/- towards leave salary, Rs.1,29,435/- towards encashment of leave on personal affairs and Rs.76,776/- towards balance of gratuity, together with 18% interest per annum, along with interest amount towards delayed payment of part of the gratuity amount of Rs.6,45,734/- for the period from 31.01.2012 to 30.12.2013 and towards the delayed payment of EPF Employees Contribution amount of Rs.5,09,112/- for the period from 31.01.2012 to 06.11.2012 at the rate of 18% per annum within a time frame.

3 The learned Standing Counsel for the respondent 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) Ltd., represented by its Managing Director, Madurai and others] vide judgment dated 12.06.2015 directing the Transport Corporation to disburse the retiral benefits of the appellants therein 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 Transport 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 respondents 2 and 3 to settle the entire retirement benefits due and payable to the petitioner 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/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Secretary
Transport Department
Government of Tamil Nadu
Fort St. George
Chennai
- 2 The Managing Director
Tamil Nadu State Transport Corporation (Kovai) Ltd.
Erode Region
Erode.

+1cc to M/S.V.Ajay Khose, Advocate Sr. 25863

+1cc to the Government Pleader, Sr. 25671

W.P.No.43401 of 2016

NRI (CO)
VR(17/5/2017)

सत्यमेव जयते

WEB COPY