

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43459 of 2016

J.Rufee

.. Petitioner

-vs-

1. The Management of
Tamil Nadu State Transport Corporation
(Kovai) Ltd.,rep. By its
Managing Director, Coimbatore.

2.The Administrator,
Tamil Nadu State Transport
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai
Chennai 600 002

.. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to pay the petitioner the amount payable as retirement benefits for the services of her husband/deceased retired employee John Staff No.85CR1/011034 namely Rs.5,07,545/- towards gratuity and Rs.85,266/- towards leave salary, together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution amount Rs.1,79,941/- for the period from 31.07.2014 to 19.11.2014 at the rate as per EPF scheme and further directing the respondents to pay her Rs.2,29,031/- towards the Pension Commutation and arrears of pension for the period from 01.08.2014 to 01.10.2015 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. July 2014 by revising the same as per the settlement dated 13.04.2015 as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A. (MD) No.1457/15 and etc. batch.

For Petitioner:: Mr.V.Ajoy Khose

For Respondents:: Mr.K.Venkataramani
Additional Advocate General
assisted by Mr.P.Kannankumar
for the Transport Corporation

ORDER

The petitioner has come to this Court seeking a direction to the respondents to settle all the retirement benefits payable to her husband, as prayed for in the petition, with interest at 18% per annum.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannankumar, 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 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 learned Additional Advocate General 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 entire retirement benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from June, 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 petitioners for such non-payment of the instalments. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

vga

Sub Assistant Registrar

To

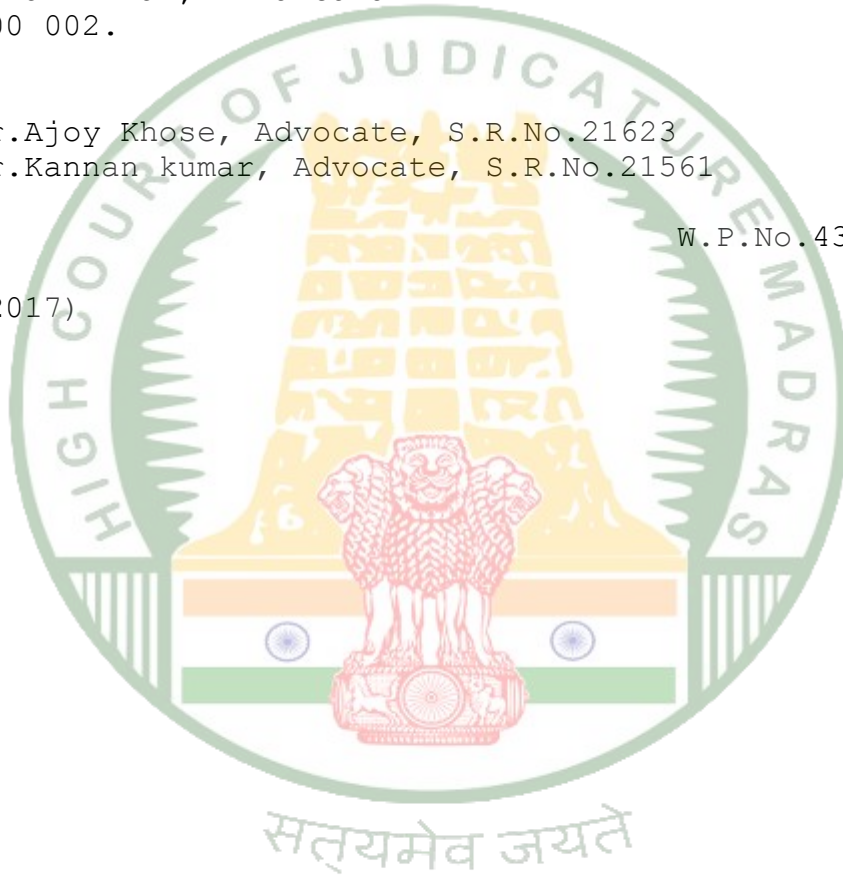
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Thiruvalluvar Illam, Anna Salai
Chennai 600 002.

+1cc to Mr.Ajoy Khose, Advocate, S.R.No.21623
+2cc to Mr.Kannan kumar, Advocate, S.R.No.21561

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SKS (CO)
RS (26/04/2017)



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