

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.43519 of 2016

E.Namasivayam

.. Petitioner

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
 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

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), Settlement effect with arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2014 within the stipulated time as may be fixed by this Hon'ble Court.

For Petitioner :: Mr.G.Sakthivel

For Respondents :: Mr.P.Paramasivadoss

ORDER

The petitioner, after joining the respondent-Corporation as Conductor, retired from service on 30.6.2014 as Checking Inspector. It is stated by the learned counsel for the petitioner that the gratuity amount has been paid to the petitioner without interest. Therefore, he pleaded that a direction may be issued to the respondents to pay interest thereon for the gratuity amount and also a direction to settle the balance retirement benefits due and payable to the petitioner, namely, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), Settlement effect with arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances, with interest at 12% per annum with effect from 01.07.2014 within the stipulated time as fixed by this Hon'ble Court.

2. Mr.P.Paramasivadosh, 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 retiral 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 counsel for the petitioner that the gratuity amount has been paid to the petitioner without interest, 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 balance retirement benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% per annum. 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. The

respondents shall also consider the request of the petitioner for payment of interest on the gratuity amount, if not paid already, at the rate of 6% per annum. With this direction, the writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ss

To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram 605 602
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
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gmI (co)
ss (15/6/2017)

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