

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.44050 of 2016

C.Selvaraj

... Petitioner

vs

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd,
37, Mettupalayam Road,
Coimbatore-641 043.

... Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus, to direct the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 5,46,323 /-, Leave Encashment (EL) amount of Rs.4,039/-, Medical Leave(ML) amount of Rs.9,232/-, totalling to a sum of Rs.5,59,594/-, arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.06.2014, other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2014 to till the date of disbursement of the terminal benefits.

For Petitioner : M/S.S.A.Mahisha Kirthika

For Respondents: Mr.P.Kannan Kumar

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the respondent to settle the terminal benefits of the petitioner namely, Gratuity amount of Rs. 5,46,323 /-, Leave Encashment (EL) amount of Rs.4,039/-, Medical Leave(ML) amount of Rs.9,232/-, totalling to a sum of Rs.5,59,594/-, arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.06.2014, other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2014 to till the date of disbursement of the terminal benefits.

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

3. The petitioner joined the service of the respondent Corporation on 03.07.1986 and he retired from service on 30.06.2014 while working as a Special Grade Conductor in the respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Gratuity amount of Rs. 5,46,323 /-, Leave Encashment (EL) amount of Rs.4,039/-, Medical Leave(ML) amount of Rs.9,232/-, totalling to a sum of Rs.5,59,594/-, arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.06.2014, other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2014 to till the date of disbursement of the terminal benefits, have not been till date settled by the respondent Corporation. Hence, he has given a representation on 18.10.2016. But, till date no orders have been passed. Therefore, he has come forward with the present writ petition.

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 respondent 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 July, 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/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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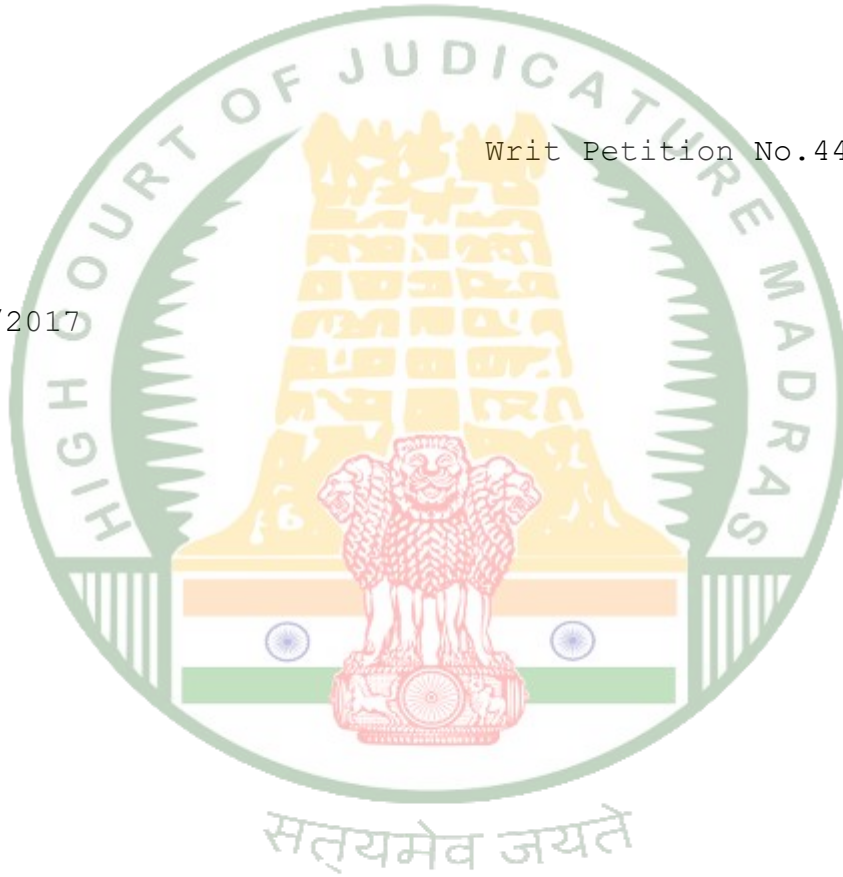
To

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division)Ltd,
37, Mettupalayam Road,
Coimbatore-641 043.

+lcc to Mr.P.Kannankumar, Advocate Sr.26518

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