

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.44370 of 2016

N.Nawabjohn

... Petitioner

vs

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM)Limited, 3/137, Salamedu,
Valuthareddy(Post),
Villupuram- 605 602.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
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 settle the retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity, leave encashment (EL), retirement benefits scheme, pension arrears, pension DA arrears, pending in service leave salary for 1 year, DA arrears, arrears in salary for 10 days, settlement arrears, Settlement arrears with interest of 18% on delayed payment to the petitioner from 30.09.2013, the date of retirement to till the date of settlement of the terminal benefits to the Petitioner by following the order passed in W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan
For R1 : Mr.T.M.Pappiah,

Special G.P
For R2 & 3 : 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 settle the retirement benefits namely, pay revision in terms of settlement with enhanced dearness allowance including the Gratuity, leave encashment (EL), retirement benefits scheme, pension arrears, pension DA arrears, pending in service leave salary for 1 year, DA arrears, arrears in salary for 10 days, settlement arrears, Settlement arrears with interest of 18% on delayed payment from 30.09.2013, the date of retirement to till the date of actual payment.

2. Heard the learned counsel appearing for the petitioner. Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel takes notice on behalf of the second and third respondents.

3. The petitioner joined the service in the erstwhile Thanthai Periyar Transport Corporation on 02.11.1983 and he was retired from service on 30.09.2013 while working as a Special Grade Driver in the respondent Corporation. Now the grievance of the petitioner is that his retirement benefits namely, pay revision in terms of settlement with enhanced dearness allowance including the Gratuity, leave encashment (EL), retirement benefits scheme, pension arrears, pension DA arrears, pending in service leave salary for 1 year, DA arrears, arrears in salary for 10 days, settlement arrears, Settlement arrears with interest of 18% on delayed payment from 30.09.2013, the date of 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 (CCC)

/true copy/

Sub Asst. Registrar
11.04.2017

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To

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM)Limited, 3/137, Salamedu,
Valuthareddy(Post),
Villupuram- 605 602.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.V.S. Jagadeesan, Advocate Sr. 21956

+1cc to Mr.P. Kannan Kumar, Advocate Sr. 23015

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BR(CO)
VR(3/5/2017)