

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44487 of 2016

K.Thangaraju

.. Petitioner

-vs-

1.Tamil Nadu State Transport Corporation
(Coimbatore) Ltd., rep. By its
Managing Director,
37, Mettupalayam Road,
Coimbatore-641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd., Erode Region,
45, Chennimalai Road, Erode 638 001.

3.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
rep. by its Administrator,
Thiruvalluvar Illam, Pallavan 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 respondents to pay the petitioner a sum of Rs.5,37,928/- towards gratuity; a sum of Rs.2,35,861/- towards commuted value of pension; a sum of Rs.1,28,895/- towards earned leave salary for 117.5 days, including earned leave salary for 45 days which was surrendered by him during his service prior the petitioner retirement; arrears of salary payable to him as per the settlement dated 13.04.2015 for the period from 01.09.2013 to 31.01.2015; revised monthly pension and other service and terminal benefits based on salary payable to him as per the settlement dated 13.04.2015 as on the date of his retirement and also based on the D.A. as revised and increased from time to time, with an arrears amount of Rs.24,403/- for the period upto December 2016 and with further arrears from 01.01.2017; monthly pension payable under the post Retirement Benefit Scheme with arrears and all other service and terminal benefits, together with interest at the rate of 12% per annum for all the above benefits and also to pay him interest for the belated payment of

service/terminal benefits including interest for the belated payment of the provident fund amount of Rs.3,30,000/-, which were already paid to him.

For Petitioner :: Mr.V.Ajoy Khose
For Respondents :: Mr.P.Kannankumar
for the Transport Corporation

ORDER

The petitioner, having retired from service as Selection Grade Driver in the respondent Corporation on 31.01.2015, has filed this writ petition seeking a direction to the respondents to settle all the retirement benefits payable to him, as prayed for in the petition.

2. 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 Standing Counsel, 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//

Sub Assistant Registrar

vga
To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore-641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Coimbatore) Ltd., Erode Region,
45, Chennimalai Road, Erode 638 001.

3.The Administrator,
Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002.

+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.21550
+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.21646

ca (CO)
md(26/04/2017)

W.P. No.44487 of 2016

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