

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA.

Writ Petition No.44692 of 2016

M.Kannayiram

... 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

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to settle the petitioner's retirement benefits namely, Gratuity, D.A arrears and RBS arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents and to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits payable from the date of retirement i.e., 28.02.2013 to till the date of actual payment within the time stipulated by this Court.

For Petitioner : Mr.V.Dhandapani
For RR1 & 2 : Mr.P.Kannan Kumar
For R3 : Mr.P.Paramasivados

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, to direct the respondents to settle the terminal benefits of the petitioner namely, Gratuity, D.A arrears and RBS arrears with interest at the rate of not less than 18% per annum and to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits payable from the date of retirement i.e., 28.02.2013 to till the date of actual payment.

2. Heard the learned counsel appearing for the petitioner. Both the respective learned counsel appearing for the respondent Corporation sought time to consider the petitioner's representation dated 08.02.2016.

3. The petitioner joined the service of the respondent Corporation on 15.02.1977 and he retired from service on 28.02.2013 while working as a Special Grade Conductor in the respondent Corporation. Now the grievance of the petitioner is that his retirement benefits, namely, Gratuity, D.A arrears and RBS arrears with interest at the rate of not less than 18% per annum and to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits payable from the date of retirement i.e., 28.02.2013 to till the date of actual payment, have not been till date settled by the respondent Corporation. Hence, he has given a representation on 08.02.2016. 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 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 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

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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Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/S.V.Dhandapani, Advocate Sr.23009

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srg 28/04/2017