

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.44773 of 2016

A.Mani

..Petitioner

-VS-

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Tambaram, Kancheepuram District.
 - 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 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to disburse the retirement benefits such as provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave Medical Leave Benefits payable to the petitioner with interest at the rate of not less than 18% from 31.10.2013 the date of retirement and consequently directing the respondents to pay interest at the rate of 18% P.A for the belated settlement of retirement benefits to the petitioner from the date of retirement to till date of actual payment to the petitioner within the prescribed time.

For Petitioner :: Ms. Thirupurasundari

For Respondents :: Mr.P.Kannan Kumar for R1 and R2
Mr.P.Paramasivadoss for R3

ORDER

The petitioner has filed this writ petition for issuance of a writ of mandamus, directing the respondents to disburse the retirement benefits such as provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave Medical Leave Benefits payable to him with interest at the rate of not less than 18% from 31.10.2013, the date of retirement and consequently directing the respondents to pay interest at the rate of 18% P.A for the belated settlement of retirement benefits from the date of retirement to till date of actual payment within the prescribed time.

2. Heard the learned counsel appearing for the petitioner. Mr.P.Kannan Kumar, learned Standing Counsel takes notice on behalf of R1 and R2. Mr.P.Paramasivadosh, learned Standing counsel takes notice on behalf of R3.

3. The petitioner joined the service under the Respondents' Transport Corporation as a Special Grade Driver on 25.06.1988 and he was retired from service on 31.10.2013 on attaining the age of superannuation. Now the grievance of the petitioner is that his retirement benefits, namely, provident fund, Gratuity, Labour welfare fund, benefits of earned and unearned Leave, Medical Leave Benefits etc., 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 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 petitioner for such non-payment of the instalments. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vga

To

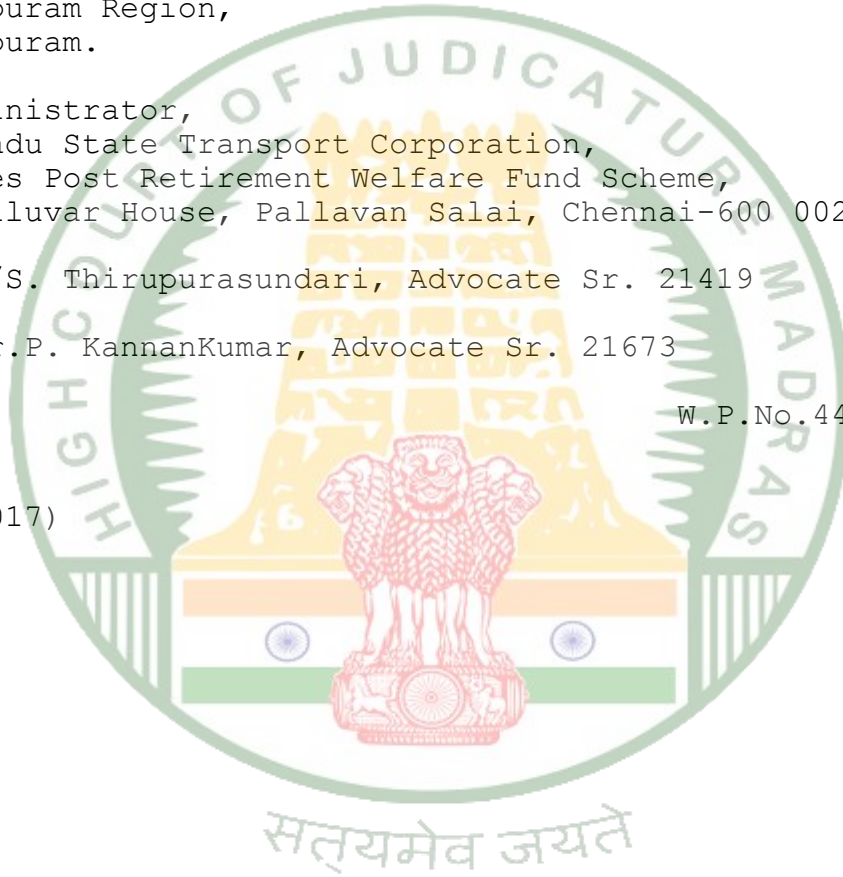
- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Tambaram, Kancheepuram District.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai, Chennai-600 002.

+1cc to M/S. Thirupurasundari, Advocate Sr. 21419

+1cc to Mr.P. KannanKumar, Advocate Sr. 21673

W.P.No.44773 of 2016

SVI (CO)
VR(26/4/2017)



WEB COPY