

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.30815 of 2018

R.Jayavel

....

Petitioner

Vs

1. The Additional Chief Secretary  
Transport Department, Fort St.George  
Chennai - 600 009.
2. The Managing Director  
Tamil Nadu State Transport Corporation  
(Salem) Limited.
3. The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees pension fund trust,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 2.

....

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to disburse the payment relating to Provident Fund, Gratuity, Leave Encashment (earned leave and old medical leave) Leave surrender for the year 2010-2012 ERBS pension and all other benefits by calculating DA eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also with interest at 12% per annum with effect from 01.07.2018 within the stipulated time as may be fixed by this Honourable Court.

For Petitioners : M/s. P.Paramasiva Doss

For Respondent : Mr.R.S.Selvam, Government Advocate -for R1

Mr.P.Kannan Kumar, Standing Counsel-for R2 & R3

O R D E R

This writ petition is filed by the petitioner seeking direction to the respondent herein to pay the retirement benefits with interest to the petitioner as per his representation made to the respondent on 15.05.2018.

2. The petitioner is the retired employee of the respondent corporation. He has retired from service on 30.04.2018. However, his retirement benefits have not yet been paid by the respondents. Hence the petitioner gave a representation to the respondent dated 15.05.2018, requesting the respondent to pay the retirement benefits, and the same has not yet been considered till date. That has forced the petitioner to approach this Court by way of the present writ petition.

3. Earlier, this Court in W.A (Md).Nos.383 to 457 of 2015, by the order dated 28.03.2008, directed the Transport Corporation to settle the retirement benefits to the retired employees in twelve equal monthly instalments with interest at 6% per annum for the entire amount and in case of delay in paying the monthly instalments, interest to be paid at 18% per annum.

4. Accordingly, following the earlier order of this Court, without going into the merits of the matter, the second respondent is directed to settle the terminal benefits of the petitioners in twelve equal monthly instalments and the first of such instalments shall be paid on or before 01<sup>st</sup> January 2019. With the above directions, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

kst

Sub Assistant Registrar

To

1.The Additional Chief Secretary  
Transport Department, Fort St.George  
Chennai - 600 009.

2.The Managing Director  
Tamil Nadu State Transport Corporation  
(Salem) Limited.

3.The Administrator,  
Tamil Nadu State Transport Corporation,  
Employees Pension Fund Trust,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 2.

+2 cc to M/s.P.Kannan Kumar, Advocate SR No.80742

+1 cc to the Government Pleader, SR No.80417

W.P.No.30815 of 2018

rr(co)

ssm(18/12/2018)