



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2018

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THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

W.P.(MD) No.24454 of 2018

P.Subramania Pillai

... Petitioner

-vs-

1.The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Represented by its Managing Director,
Tirunelveli.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Tirunelveli) Limited,
Nagercoil Region, Ranithottam,
Nagercoil, kanyakumari District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent to settle the petitioner's retirement benefits including, Gratuity, Provident Fund, Earned Leave Salary and Surrender Leave Salary with enhanced dearness allowance fixed by the Government of Tamil Nadu and dearness allowance arrears on his monthly pension as revised and increased from time to time together with interest at the rate of 18% per annum from the date of his retirement to till the date of settlement within the time that may be stipulated by this Court.

For Petitioner : Mr.S.Sivanesan

For Respondents: Mr.k.Sathyasingh

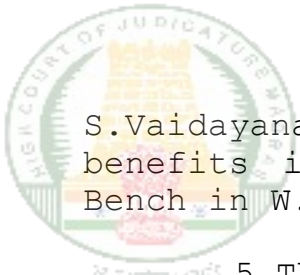
O R D E R

The petitioner seeks a Writ of Mandamus, directing the respondents to settle his retirement benefits.

2.Mr.K.Sathya Singh, learned counsel takes notice for the respondents.

3.The petitioner, who retired from service on 30.06.2018, claiming that his pensionary benefits have not been settled, has come forward to this Court seeking a writ of Mandamus as aforesaid.

4.The learned counsel appearing for the petitioner relies upon the order of this Court in W.P.(MD).No.23897 of 2016, dated 14.12.2016. In the said order, the Hon'ble Mr.Justice



S.Vaidayanathan had issued directions for payment of pensionary benefits in instalments relying upon the order of this Division Bench in W.A.(MD).No.383 to 457 of 2015, dated 12.06.2015.

5.The learned counsel appearing for the petitioner would submit that the petitioner's daughter is to get married on 18.01.2019. He has also produced the receipt issued by the Marriage Hall for booking the Kalyana Mandapam for the purpose of his daughter's marriage.

6.In view of the same, the Writ Petition is disposed of with the following directions:-

i)A direction is issued to the respondents / transport corporation to pay 25% of the terminal benefits payable to the petitioner by 04.01.2019. The remaining amount shall be paid in twelve equal monthly instalments;

ii)The first installment shall commence by making payment on or before the 10th February 2019 and the amount in each of the remaining installments shall be paid on or before 10th of every succeeding month;

iii) The said terminal amount shall carry interest @ 6% per annum, as per the Division Bench judgment referred to above. In case of delay in making installments, the interest payable could be 18% for the delayed period;

iv) The aforesaid direction to settle the terminal benefits would not preclude the workman to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled to interest for the amount already settled, he can agitate the same as per law, if he is entitled. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS-III)

+1cc to Mr.S.Sivanesan Advocate in SR.No.99900

+1cc to Mr.k.Sathyasingh Advocate in SR.No.99897

W.P. (MD) No.24454 of 2018
12.12.2018

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