



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.A(MD)NO.662 OF 2019

D.Pushpam

:Appellant/Petitioner

.vs.

1.The Management of Tamil Nadu State
Transport Corporation(Thirunelveli)Limited,
Nagercoil Region,
represented by its Managing Director,
Nagercoil.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

: Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.23057of 2018, dated 26.2.2019.

Prayer in WP(MD). 23057/ 2018 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue Writ of
Mandamus directing the 1st respondent to pay the petitioner
Rs.4,46,207/- towards E.P.F. Employees Contribution, Rs.3,81,125/-
towards Gratuity for 21 years of her service period by counting
the same from the encashment of 15.5 days of earned leave,
Rs.50,000/- towards the Employees Social Security Scheme,
Rs.5000/- towards Refundable Deposit, etc., together with 18%
interest and further directing the respondents to revise the
petitioner's pension and pay the petitioner arrears of pension for
the period from 01.05.2018 by counting the petitioner's
pensionable service period from October 1997 together with 18%



interest per annum, within a time frame as may be fixed by this Court.

For Appellant

:Mr.S.Arunachalam

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For Respondent-1

:Mr.K.Sathiya Singh

JUDGMENT

[Judgment of the Court was made by **K.RAVICHANDRABAABU,J.**]

The Writ Petitioner is the appellant. He sought for a mandamus before the Writ Court for a direction to the first respondent to pay the Petitioner Rs.4,46,260/- towards E.P.F. Contributions, Rs.3,81,125/- towards gratuity for 21 years of her service period by counting the same from the month of her joining the services i.e., October 1997, Rs.16,769/- towards encashment of 15.5.days of Earned leave, Rs.50,000/- towards the Employees Social Security Scheme, Rs.5,000/- towards Refundable Deposits etc., together with 18% interest and further to direct the respondents to revise her pension and pay her arrears of pension for the period from 1.5.2018 by counting her pensionable service period from October 1997, together with 18% interest per annum within a time frame fixed by this Court.

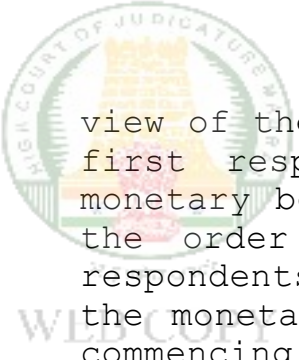
2.The Writ Court disposed of the Writ Petition by directing the respondents 1 and 2 to consider the Petitioner's representation, dated 5.10.2018 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order.

3.The grievance of the appellant is that when the similarly situated persons got the benefit of positive direction from this Court to pay the monetary benefits in installments, the Petitioner alone cannot be singled out by giving a direction to the respondents to consider her representation on merits. Therefore this appeal is filed seeking for such positive direction, as has been granted in other similarly situated cases.

4.The learned counsel appearing for the first respondent is not disputing the eligibility of the Petitioner in seeking the monetary benefits as prayed for in the Writ Petition. However, he submitted that, as has been done in other cases, such benefits could be disbursed to the Petitioner only in installments and therefore, the respondents will not have any objection, if similar direction is issued in this case also.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the above-stated facts and circumstances and in



view of the specific admission made by the learned counsel for the first respondent that the Petitioner is entitled to get the monetary benefits, this Writ Appeal is disposed of by modifying the order passed by the Writ Court with a direction to the respondents to consider the claim of the appellant and disburse the monetary benefits payable to her in 12 monthly installments, commencing from 3.9.2019, with interest at 6% p.a and in case of delay, interest payable at 18% p.a for the delayed period.

6.This Writ Appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar (CS)

To

1.The Managing Director,
Management of Tamil Nadu State
Transport Corporation(Thirunelveli)Limited,
Nagercoil Region,
Nagercoil.

2.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai-2.

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-73720[F] dated
05/07/2019)

vsn

JUDGMENT MADE IN
W.A (MD) NO. 662 OF 2019
05.07.2019

KM/ (15.07.2019) 3P 4C