



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

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THE HON'BLE Mr.JUSTICE R.MAHADEVAN

WP (MD) No.5742 of 2019

P.Rajendran

... Petitioner

-vs-

1. The Managing Director,
Tamilnadu State Transport Corporation,
Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam-612 001.

2.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavansalai,
Chennai-600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to settle the petitioner's balance of leave salary (75 days) of Rs.1,14,245/- for the year 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015 and DA arrears and also interest at the rate of 18% per annum for retirement benefits to the petitioner.

For Petitioner : Mr.S.Royce Immanuel
For Respondents : Mr.D.Sivaraman

ORDER

The petitioner seeks a Writ of Mandamus, directing the respondents to settle the petitioner's balance of leave salary (75 days) of Rs.1,14,245/- for the year 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015 and DA arrears and also interest at the rate of 18% per annum for retirement benefits to the petitioner.

2. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel, who takes notice for the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner retired from service on 31.01.2015. Claiming that his pensionary benefits have not been settled, he has come forward with this Writ Petition, 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, this Court had issued directions for payment of pensionary benefits in installments relying upon the order of the Division Bench in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015.

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

i) A direction is issued to the Transport Corporation to settle the terminal benefits of the petitioner that are yet to be settled, in twelve equal monthly installments;-

ii) The first installment shall commence by making payment on or before the 10th April, 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 amounts 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. While granting such relief, the pay revision given under settlement shall also be considered. No costs.

Sd/-

Assistant Registrar (CS-II)

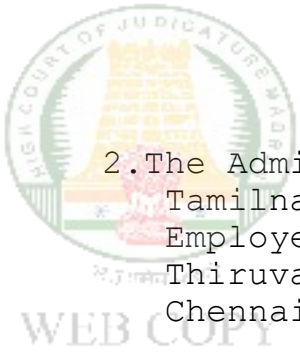
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Sub Assistant Registrar (CS)

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To

1. The Managing Director,
Tamilnadu State Transport Corporation,
Kumbakonam Limited,
27, New Railway Station Road,
Kumbakonam-612 001.



2.The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavansalai,
Chennai-600 002.

+1CC TO MR.ROYCEIMMANUEL, Advocate Sr. No.53163
+1CC TO MR.D.SIVARAMAN, Advocate Sr. No. 53340

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TR (02.04.2019) 3P 5C