



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2019
CORAM:

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

W.A(MD)NO.755 OF 2019

S.Killivalavan :Appellant/Petitioner

.vs.

- 1.The Management of Tamil Nadu State
Transport Corporation(Kumbakonam)Limited,
represented by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation(Kumbakonam)Limited,
Nagapattinam Region, Nagapattinam.
- 3.The Administrator,
Tamil Nadu State Transport Employees'
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.2997of 2019, dated 26.2.2019.

Prayer in WP(MD). 2997/ 2019 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus directing the 1st and 2nd respondents to pay the petitioner
all his terminal benefits namely Gratuity and Encashment of Earned
Leave, Social Scheme Benefit and etc., forthwith together with 18%
interest per annum, and further directing the respondents to pay him
forthwith pension and commutation of pension, along with arrears of
monthly pension from the month of February 2018 under TNSTCE Pension
Fund Rules, together with 18% interest per annum.

For Appellant :Mr.S.Arunachalam

For Respondents :Mr.S.Balasubramanian

**JUDGMENT**

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

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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 all the terminal benefits namely gratuity encashment of earned leave, social security scheme benefit and etc., forthwith together with 18% interest per annum and further directing the respondents to pay the petitioner forthwith pension and commutation of pension, along with arrears of monthly pension from the month of February, 2018 under TNSTCE Pension Fund Rules 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 25.01.2019 on merits and in accordance with law and pass appropriate orders, after affording opportunity of hearing to the petitioner, 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 his 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 respondents 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.

5.Considering the above-stated facts and circumstances and in view of the specific admission made by the learned counsel for the respondents 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 him 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 (CO)

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// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Management of Tamil Nadu State Transport Corporation (Kumbakonam) Limited, represented by its Managing Director, Kumbakonam.
- 2.The General Manager, Tamil Nadu State Transport Corporation (Kumbakonam) Limited, Nagapattinam Region, Nagapattinam.
- 3.The Administrator, Tamil Nadu State Transport Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai-2.

+1cc to Mr.P.BALASUBRAMANIAN, Advocate, SR.No.78034

+1cc to Mr.S.ARUNACHALAM , Advocate, SR.No.78122

rj2
JUDGMENT MADE IN
W.A (MD) NO.755 OF 2019
26.07.2019

NA (01.08.2019) 3P : 6C