

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.7125 of 2015

V.Dhandapani

... Petitioner

Vs.

- 1 The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram- 605 602.
- 2 The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
- 3 The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai,
Chennai-2.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, ERBS Pension, for 15 years Commutation, Surrender Leave Salary for 15 days during 2013 and 2014 IRT Share amount towards Medical, Engineering and Polytechnic

College and salary at 10% increased D.A for four months and newly implemented D.A at 7% for five months during 2014 arrears with effect from June, 2014 till the date of retirement with interest at 12% per annum with effect from 1.11.2014 within stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mrs.S.Vijaya
for M/s.Vijaya and Anandh
For Respondents : Mr.P.Paramasivadoss

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he joined the service of the Tamil Nadu State Transport Corporation Limited, Chennai (Previously known as Thiruvalluvar Transport Corporation Limited) as Apprenticeship on 08.06.1991 and was paid consolidated pay of Rs.230/- per month and was relieved from duties on 15.03.1985 and thereafter, he joined the services of Tamil Nadu State Transport Corporation Limited, Trichy, the then Cholan Roadways Corporation Limited on 20.03.1985 as a Junior Assistant and retired from service on 31.10.2014 and he was drawing basic pay of Rs.13,890 + grade pay of Rs.4,800/- + dearness allowance of Rs.18,690/- + house rent allowance of Rs.1,240/- and H.A. of Rs.100/- totally aggregating to a sum of Rs.38,720/-.

3.The petitioner at the time of retirement was paid with a sum of Rs.1,98,861/- representing provident fund and he is entitled to receive the following terminal benefits the details of which are as follows:

i) Gratuity	: Rs.7,00,000/-
ii) Commutation	: Rs.3,25,000/-
iii) Leave Surrender for 240 days	: Rs.2,60,000/-
iv) Medical Leave surrender for 56 days	: Rs. 60,000/-
v) Leaver surrender for 15 days (2013)	: Rs. 25,000/-
vi) ERBS Pension	
vii)Surrender Leave Salary for 15 days in the year 2015	: Rs. 25,000/-
viii)Contribution amount towards IRT Medical, Engineering & Polytechnic Colleges, Perundari	: Rs. 4,500/-

4.The petitioner in this regard, has submitted a representation dated 02.12.2014 to the first respondent and since no orders have been passed, came forward to file this writ petition.

5.The learned counsel appearing for the petitioner would submit that the Madurai Bench of this Court in its common judgment dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 2015 has passed orders with certain directions and prays for appropriate orders.

6.This Court also heard the submissions of Mr.P.Paramasivadoss, learned counsel who accepts notice on behalf of the respondents.

7.It is relevant to extract the above cited judgment namely, the order dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 2015 which reads as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11/6/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.TEWARI (D) THR. LRS. Vs. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS {2014 (9) SCALE – 78}, wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any

other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month.

4. The writ appeals are disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed."

8.This Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 02.12.2014 on merits and in accordance with law in the light of the above cited judgment and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The writ petition is disposed of accordingly. No costs.

09.10.2015

pri
Index: Yes / No
Internet: Yes / No

M.SATHYANARAYANAN,J.
pri

To

- 1 The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram- 605 602.
- 2 The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
- 3 The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai,
Chennai-2.

W.P.No.7125 of 2015

09.10.2015