

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.20351 of 2015

K.Ramachandran

...Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

...Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the Gratuity, ERBS (Employees Retirement Benefits Scheme) pension, surrender leave salary, IRT (Institute of Road Transport) share amount towards Medical, Engineering, Polytechnic Colleges, Salary DA arrears and pension DA arrears with interest at 12% per annum with effect from 01.10.2013 within the stipulated time fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadass

ORDER

Mr.P.Paramasivadass, learned counsel takes notice for the respondents.

2. The petitioner joined the service of the first respondent Corporation on 05.07.1984 as Junior Assistant. He retired from service on 30.09.2013 on reaching the age of superannuation while he was working as Superintendent. He rendered 29 years of service. Though he retired two years back, his retirement benefits are not settled. When he sought information under Right to Information

Act, the respondents informed in the Letter dated 23.08.2014 that the amount of Rs.5,54,725/- towards DCRG would be paid based on the financial conditions of the respondents Transport Corporation and also based on the seniority list maintained by the respondents Transport Corporation.

3. According to the petitioner, all the retirement benefits including pension and DCRG etc., shall be paid immediately after retirement. The petitioner has also relied on a decision of this Court dated 03.09.2013 in W.P.No.23403 of 2013 [D.Varadharajan Vs. The Managing Director and another]. The respondents in the said writ petition and the respondents herein are one and the same. It is useful to extract paragraph Nos.2 and 3 of the said decision.

"2.The petitioner, who was appointed initially as Bus Conductor in the first respondent Corporation on 23.5.1979, suffered injuries in the accident that occurred on 26.06.1993 and thereafter, he was denied employment as Conductor and was given an alternative employment as Helper on 25.11.1994 with reduced basic pay of Rs.990/- instead of Rs.1490/-. After 31 years of service, the petitioner got retired on 31.5.2011. Hence, the petitioner is required to be paid service benefits. But, only a sum of Rs.29,314/- towards Provident Fund and a sum of Rs.1,12,305/- towards Commutation were paid by the respondent Corporation. The amounts payable in respect of Earned Leave, Leave Surrender, Gratuity and remaining Provident Fund amount and other benefits are required to be paid by the respondent Corporation. Even though the petitioner retired from service in 2011, so far, nothing has been paid to him except the payment of portion of the amount.

3.In view of that, the first respondent is directed to pay the entire amount payable to the petitioner along with applicable interest on or before 24.9.2013."

4. I am also of the view that retirement benefits have to be settled immediately, otherwise, the same would amount to violation of Article 21 of the Constitution of India. In these circumstances, a direction is issued to the respondents to settle all the terminal benefits due and payable to the petitioner, within a period of three weeks from the date of receipt of a copy of this order with interest as per the Rules and if the rules do not provide for payment of interest, a direction is issued to the respondents to pay interest at the rate of 10%, based on the orders of the Division Bench of this Court in GOVERNMENT OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT VS. M.DEIVASIGAMANI [2009 (3) MLJ 1].

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Salem) Ltd.,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.

1 CC to Mr.J.Pradeep, Advocate SR.No. 34541

W.P.No.20351 of 2015

KGK (CO)
PSI (15.07.2015)

सत्यमेव जयते
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