

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24806 of 2015

G.Kalyanasundaram

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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-600 002.

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Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Leave Salary, gratuity, Dearness Allowance arrears and all other attendant retirement benefits etc. with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12 per annum for the belated settlement of retirement benefits including the commuted value of pension social security scheme arrears, Provident Fund, refund of Institute of road transport arrears etc. to the petitioner payable from the date of retirement i.e. 31.12.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.P.Kannan Kumar

O R D E R

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

2.This is an unfortunate case for the reason that though the petitioner has attained the age of superannuation and retired from service on 31.12.2013, he is yet to be conferred with terminal benefits.

3.A perusal of the affidavit filed in support of this writ petition would disclose that the petitioner on the date of retirement was working as a Senior Superintendent and on the date of his retirement, he was paid provident fund of a sum of Rs.1,70,721/- only and other retirement/ terminal benefits namely, gratuity, commutation, leave surrender (earned leave and medical leave), IRT amount and previous year leave surrender for the period of December, 2013 aggregating to a sum of Rs.16,50,555/- is yet to be settled.

4.It is further stated by the petitioner that in similar facts and circumstances, the Hon'ble Division Bench of this Court vide judgment dated 12.06.2015 made in W.A.Nos.383 to 457 of 2015, has passed the following order:

"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."

5.The petitioner prayed for similar relief and in this regard also submitted a representation dated 20.07.2014, and since he is yet to be favoured with any kind of response, came forward to file this writ petition.

6.Heard the submissions of Mr.M.Selvam, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned Standing Counsel who accepts notice on behalf of the respondents.

7.It is well settled position of law that the terminal benefits are legal entitlement of the retired employees and the duty is cast upon the respondent Corporation to settle the same on time. However, this Court is repeatedly coming across cases wherein the respondent Corporation is not settling the terminal benefits on time and thereby, driving the employees everytime to get the settled relief. Therefore, the practice adopted by the respondent Corporation is deprecated.

8.This Court taking into consideration the present facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 20.07.2014 on merits and in accordance with law in the light of the judgment of the Hon'ble Division Bench of this Court dated 12.06.2015 made in W.A.Nos.383 to 457 of 2015 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. The writ petition is disposed of accordingly. No costs.

9.This Court hope and trust that the respondent Corporation without driving the retired employees from pillar to post to get their retired terminal benefits, make every endeavour to settle the terminal benefits on time.

10.Registry is directed to mark a copy of this order to the Secretary to Government, Transport Department, Fort St.George, Chennai 600 009.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government,
Transport Department
Fort St.George, Chennai 600 009.

- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602.
- 3 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Kancheepuram.
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002.

+1 cc to Mr.M.Selvam, Advocate, sr.42574

+2 ccs to Mr.P.Kannankumar, Advocate, sr.42748.

W.P.No.24806 of 2015

scd(co)
kra(31/08)



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