

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.26532 of 2015

D.Lingesan

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram-605602.
 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.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of 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., 31.01.2015 to till date of actual payment to the petitioner within a stipulated time.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.P.Paramasivados

O R D E R

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

2. The petitioner was appointed as a Junior Assistant on 21.08.1986 in the services of the Tamil Nadu State Transport Corporation Ltd., Vellore, then Pattukottai Alagiri Transport Corporation Limited and he was initially paid with a consolidated salary of Rs.6,000/- per month and he retired from service on 31.01.2015. The petitioner, at the time of his retirement, worked as Superintendent in Uthukottai Depot, Thiruvallur District under the services of the second respondent and was drawing Basic Pay of Rs.14,380/-, Grade Pay of Rs.4,800/-, Dearness Allowance of Rs.20,523/-, House Rent Allowance of Rs.1,240/- aggregating to a total of Rs.41,043/-. The petitioner would state that after his retirement, he is entitled to receive the following terminal benefits:

	Rs.
Gratuity	70,000
Commutation	5,00,000
Leave Surrender for 240 days	4,00,000
Leave Surrender (2013)	18,000
ERBS Pension	20,760
D.A. Arrears, 67% (5 months)	22,000
	
Total	16,60,760
	

The petitioner, in this regard, submitted a representation to the respondents on 20.04.2015, followed by another representation dated 14.08.2015 and since no order has been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, the Madurai Bench of this Court, vide judgment dated 12.06.2015 made in W.A.(MD).No.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/B/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. v. UTTAR HARYANA BIJLI

VITRAN NIGAM LTD & ORS [2014 (9) SCALE 7] 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." and prays for appropriate orders.

4. Heard Mr.P.Paramasivadosh, learned Standing Counsel who accepts notice on behalf of the respondent Corporation.

5. This Court, taking into consideration the above facts and circumstances, directs the respondents to consider and dispose of the petitioner's representation dated 14.08.2015 on merits and in accordance with law, by taking note 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.

6. This Writ Petition is disposed of accordingly. No costs.
jvm

s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

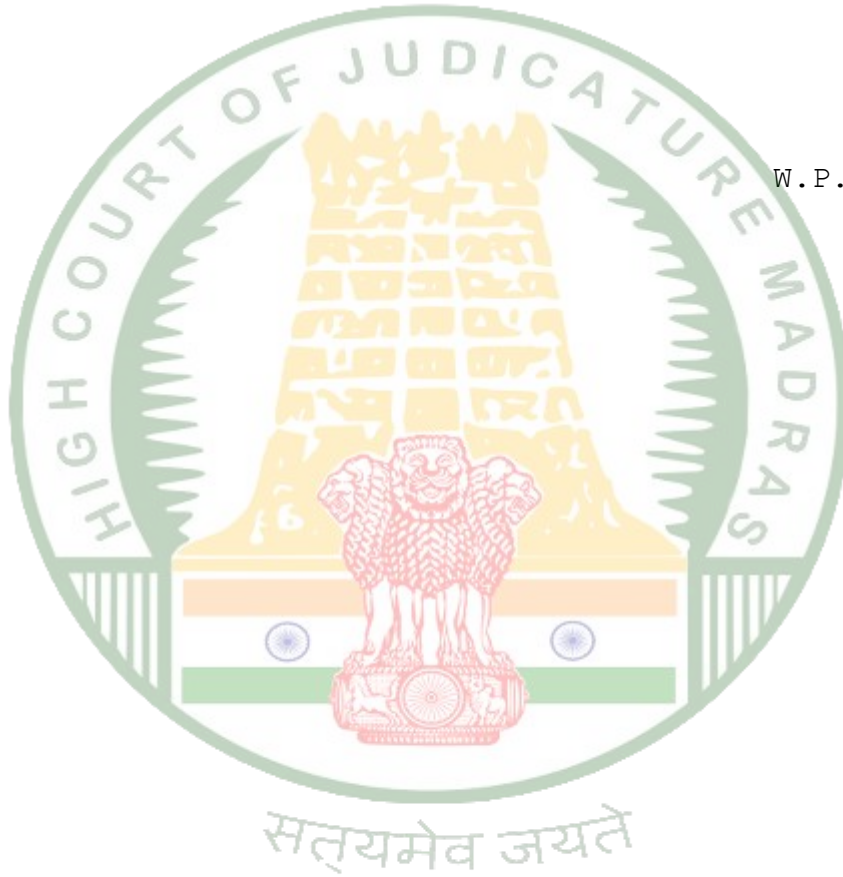
To

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