

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 04.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No.27894 of 2015

G.Subramanian @ Kovi Subramaniam

... Petitioner

Vs.

The Managing Director
State Express Transport Corporation
Thiruvallur House
Pallavan Illam
Chennai- 600 002.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondent to settle the petitioner's retirement pension benefits and all other attendant benefits etc with interest and to payable from the date of retirement on 31.01.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.B.K.Girish Neelakantan

For Respondents : Mr.P.Kannan Kumar
Standing Counsel

O R D E R

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

2. The petitioner was initially appointed as a Conductor in the services of the respondent-Corporation and he has completed 10 years of service and at this juncture, issued with charge memo dated June 1998 stating that he has indulged in money lending activities

and printed calender in the name of Transport Corporation without prior permission. The petitioner has submitted his explanation and after enquiry, he was dismissed from service vide order dated 12.12.1989. The petitioner raised an Industrial Dispute in I.D.No.30 of 1999 before the Labour Court, Cuddalore. The Labour Court, vide Award dated 24.02.2004, directed the respondent to reinstate the petitioner with 50% back wages, continuity of service and other benefits. The respondent-Corporation challenged the award by filing writ petition in W.P.No.34274 of 2004 before this court and it was dismissed by order dated 8.11.2013. Even after the dismissal of the writ petition, the respondent failed to comply with order of the Labour Court and therefore, the petitioner filed Contempt Petition No.3300 of 2014 and on receipt of notice, the petitioner was reinstated in service. However, the grievance expressed by the petitioner is that the respondent did not disburse the entire terminal benefits and in this regard, he has also submitted a representation dated 31.01.2015 to the respondent and since no orders have been passed, he came forward to file this writ petition.

3. Mr.K.Girish Neelakantan, learned counsel appearing for the petitioner has drawn attention of this court to the judgment of this court dated 12.06.2015 made in W.A.(MD)No.383 of 2015, wherein, the Division Bench of this court has passed the following order:-

"The learned Additional Advocate General submits that he has obtained 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 installments, 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 Vitrn Nigam Ltd. & Ors [2014(9) Scale -78] wherein it is held that in case of any delay in making the payment of the installments, 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 installments to be paid from July 2015 and each installments 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."

In the light of the same, the learned counsel would pray that appropriate orders may be passed in this writ petition.

4. The court heard the submissions of Mr.R.Kannan Kumar, learned Standing Counsel, who accepts notice for the respondent.

5. In the light of the facts and circumstances of the case, this Court, directs the respondent to consider the petitioner's representation dated 31.01.2015 and pass orders, on merits and in accordance with law, 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.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

Rj

To

The Managing Director
State Express Transport Corporation
Thiruvallur House
Pallavan Illam
Chennai- 600 002.

+1cc to Mr.B.K.Girish Neelakantan, Advocate, S.R.No.47826

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.48842

W.P. No.27894 of 2015

SKV(CO)
CA(28/09/2015)