

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.31506 of 2015

N.Ishak

.. Petitioner

vs

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
3/137, Salamodu
Veludha Reddy Post
Villupuram 605 605
 - 2.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Region
Kancheepuram
 - 3.The Administrator
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Employees Post Retirement
Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002
- .. Respondents

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 retirement benefits payable to the petitioner including service gratuity, commutation amount, leave salary, dearness allowance arrears, revised pension with arrears and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the stipulated time.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.P.Paramasivadoss

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

2.The grievance expressed by the petitioner, is that though the petitioner has retired as Superintendent on Voluntary Retirement

Scheme on 30.11.2014, his terminal benefits are yet to be settled and in this regard, has submitted a representation dated 14.9.2015, to the first respondent and since no orders have been passed, came forward to file this writ petition.

3.The learned Counsel appearing for the petitioner, would submit that the petitioner is suffering due to various ailments and therefore, he is in urgent requirement of funds and in similar facts and circumstances, this Court vide order dated 24.7.2015, made in W.P.No.22405 of 2015, has directed the respondents therein to settle the terminal benefits within a stipulated time frame in the light of the judgment reported in 2009 (3) MLJ 1 (STATE OF TAMIL NADU, REPRESENTED BY THE SECRETARY TO GOVERNMENT V. DEIVASIGAMANI), and prays for appropriate orders.

4.Per contra, Mr.P.Paramasivados, learned Standing Counsel, who accepted notice on behalf of the respondents 1 to 3, would submit that the Madurai Bench of this Court vide common judgment dated 12.6.2015, made in W.A.(MD) Nos.383 to 457 of 2015, has passed an order directing the respondents therein to pay the terminal benefits with interest if any, in instalments and prays for appropriate orders.

5.This Court has considered the rival submissions and also perused the materials placed before it.

6.It is relevant to extract the following portion of the common judgment dated 12.6.2015, made in W.A.(MD) Nos.383 to 457 of 2015, as under:-

"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. 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."

7.This Court, in the light of the above facts and circumstances, directs the respondents to consider the petitioner's representation dated 14.9.2015, on merits and in accordance with law,

after taking note of the above cited common judgment dated 12.6.2015, made in W.A.(MD) Nos.383 to 457 of 2015, and pass orders thereon within a period of eight 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.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To:

- 1.The Managing Director
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Employees Post Retirement
Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+1 cc to Mr.K.Selvaraj, Advocate, sr.54098
+1 cc to Mr.P.paramasivadoss, Advocate, sr.54917

nsv

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W.P.No.31506 of 2015