

In the High Court of Judicature at Madras

Dated: 07.10.2015

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The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.31748 of 2015

B.R.Chandrasekaran

.... 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,
Vellore Region, Vellore - 632 009.
 3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment, Surrender Leave Salary for 15 days, 12th wage settlement arrear amount for the period 09/2013 to 08/2014 and PRBF (Post Retirement Benefit fund) Pension arrears by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.06.2015 within a stipulated time.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadoss

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner has retired from the service of the respondent - Corporation as a Superintendent on 31.05.2015 and though he was paid with the Provident Fund amount of Rs.1,69,908/-, the following other terminal benefits are due and payable to him:

i) Gratuity	Rs.7,50,000/-
ii) Commutation	Rs.3,30,000/-
iii) Leave Encashment	Rs.3,44,000/-
iv) Leave Surrender for 15 days (2/2015)	Rs. 22,000/-
v) 12th Wage settlement arrear amount for the period 9/13 to 8/14	Rs. 60,000/-
v) PRBF Pension (3 x Rs.1,000/-)	Rs. 3,000/-

Since the said amounts have not been settled, the petitioner has submitted a representation dated 01.09.2015 to respondents 1 and 2. On 10.09.2015, the second respondent replied to the said representation stating that the arrears will be given on the basis of financial status as well as on the basis of seniority as per the date of retirement. Since the petitioner has to meet the medical treatment of his wife and himself, he came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court, by order dated 09.07.2015 in W.P.No.20351 of 2015, has directed the respondents to settle the terminal benefits within a stipulated time by placing reliance upon the judgment reported in 2009(3) MLJ1 (Government of Tamil Nadu represented by the Secretary to Government V. M.Deivasigamani) and prays for appropriate orders.

4. Per contra, learned Standing Counsel appearing for the fourth respondent has drawn the attention of this Court to the judgment dated 12.06.2015 in W.A.(MD)Nos.383 to 457 of 2015 and would submit that in similar facts and circumstances, the Division Bench of the Madurai Bench of the Madras High Court ordered that the arrears to be paid in instalments and prays for appropriate orders.

5. This Court heard the rival submissions of both sides and perused the materials placed before this Court.

6. It is relevant to extract the above-said common judgment, which is as follows:

" 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. In the light of the above-said judgment, respondents 1 and 2 are directed to consider the claim of the petitioner for settlement of retirement/terminal benefits 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.

The Writ Petition is disposed of accordingly. No costs.

sd/-

ASSISTANT REGISTRAR (CS-V)

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SUB-ASSISTANT REGISTRAR

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To

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,
Vellore Region, Vellore - 632 009.
3. The Administrator, Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1 CC to Mr.P.Paramasivadosh Advocate. SR.NO. 54916

+1 CC to Mr.J.Pradeep Advocate. SR.NO. 54918

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CO-RSI
JD 19/10/2015



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