

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32220/2015

A.Rajasekaran

..

Petitioner

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation
[Coimbatore Division I] Limited, 37, Mettupalayam
Road, Coimbatore 641 043.

2.The General Manager
Tamil Nadu State Transport Corporation
[Coimbatore] Limited, 37, Mettupalayam
Road, Coimbatore 641 043. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to pay all the terminal benefits, ie., Gratuity, Provident Fund and Leave Surrender Allowance to the petitioner within the time limit to be fixed by this Court.

For Petitioner : Mr.L.Mouli

For Respondents : Mr.P.Kannan Kumar

ORDER

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

2 The petitioner was the senior Checking Inspector in the services of the respondent Corporation and was visited with disciplinary proceedings in the form of charge memo. The petitioner made a challenge to the disciplinary proceedings, by filing WP.No.17968/2014 and the said writ petition was taken up before the Lok Adalat held on 13.06.2015 and vide Lok Adalat Award, the matter came to be settled in the following terms:-

"[1]The petitioner gives up a claim for promotion to the post of Traffic Inspector.

[2]The respondents 1 and 2 shall drop the disciplinary proceedings against the petitioner and allow him to retire from

service w.e.f. 30.04.2015 from the post of Senior Checking Inspector and to pay all the terminal benefits within a period of three months from today. Accordingly, the writ petition is disposed of. Consequently, the connected miscellaneous petitions are closed."

3 In terms of the above said Award, the disciplinary proceedings initiated against the petitioner were dropped and the petitioner was also permitted to retire on attaining the age of superannuation on 30.04.2015. The grievance expressed by the petitioner is that the terminal benefits have not yet been settled and hence, he came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that the petitioner in this regard, has submitted a representation dated 18.09.2015 to the 1st respondent and since no orders have been passed, the petitioner is constrained to approach this Court by filing this writ petition.

5 Per contra, Mr.P.Kannankumar, learned Standing counsel who accepts notice on behalf of the respondents 1 and 2 would submit that in the light of the common judgment dated 12.06.2015 made in WA [MD] Nos.383 to 457/2015 [K.Rajendran and Others Vs. Tamilnadu State Transport Corporation, Madurai Limited, represented by the Managing Director, Madurai-10 and others], appropriate orders may be passed.

6 This Court heard the rival submissions made on either side and also perused the materials placed before it.

7 It is relevant to extract the said common judgment dated 12.06.2015 rendered in K.Rajendran's case [cited supra]:-

"The learned Additional Advocate General submits that he has obtained written instructions vide Letter No.7945/B/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through 12 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 Hon'ble Supreme Court in D.D.Tewari [D] THR. LRs and others Vs. Uttar Haryana Biili Vitran Nigam Ltd., and Others [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. The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

8 In the result, the writ petition is disposed of and the respondents are directed to consider and dispose of the petitioner's representation dated 18.09.2015 on merits and in accordance with law, in the light of the above said common judgment dated 12.06.2015 and pass orders within a period of two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

9 The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

AP

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
[Coimbatore] Limited, 37, Mettupalayam
Road, Coimbatore 641 043.

2.The General Manager
Tamil Nadu State Transport Corporation
[Coimbatore Division I] Limited, 37, Mettupalayam
Road, Coimbatore 641 043.

+1 cc to Mr.L.Mouli, Advocate, sr.55304
+1 cc to Mr.Sairaman, Advocate, sr.55434
+1 cc to Mr.P.Kannankumar, Advocate, sr.55825

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