

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.32264 of 2015

T.Jayabalan

... Petitioner

Vs.

1 The Managing Director
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited Tirunelveli.

2 The General Manager
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited Nagarcoil Region
Nagercoil.

3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-02.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioners 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. 30.04.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Selvam
For Respondent : Mr.S.Sairaman

O R D E R

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

2.The petitioner joined the services of Tamil Nadu State Transport Corporation (Tirunelveli) as a Driver on 11.08.1987 and continued to serve in that capacity and retired from service as a Senior Driver on 30.04.2015 on attaining the age of superannuation. The petitioner was paid with provident fund of Rs.3,41,009/- and he is eligible to receive the following terminal benefits, the details of which are given below:

i) Gratuity	: Rs.7,00,000/-
ii) Commutation	: Rs.5,00,000/-
iii) Leave surrender for 240 days	: Rs.4,00,000/-
iv) Leave surrender (2013)	: Rs. 18,000/-
v) ERBS Pension	: Rs. 20,760/-
vi) D.A.Arrears, 67% (5 months)	: Rs. 22,000/-
Total	: Rs.16,60,760/-

The petitioner in this regard, has also submitted representation dated 21.09.2015 to the respondents 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 in similar facts and circumstances, this Court vide orders dated 12.08.2015 and 13.08.2015 respectively in W.P.Nos.24806 of 2015 and 24996 of 2015 respectively has directed the concerned respondents to consider and dispose of the petitioner's representation in the light of the orders passed in W.A.(MD) Nos.383 to 457 of 2015 passed by the Madurai Bench and prays for similar orders.

4.This Court also heard the submissions of Mr.S.Sairaman, learned counsel who accepts notice on behalf of the respondents.

5.It is relevant to extract paragraph no.4 of the order dated 12.08.2015 made in W.P.No.24806 of 2015 which reads as follows:

"4.It is further stated by the petitioner that in similar facts and circumstances, the Hon'ble Division Bench of this Court vide judgment dated 12.06.2015 made in W.A.Nos.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/E/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."

6. Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 21.09.2015 on merits and in accordance with law, in the light of the above said common order and pass orders 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.

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

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited Tirunelveli.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited Nagarcoil Region
Nagercoil.

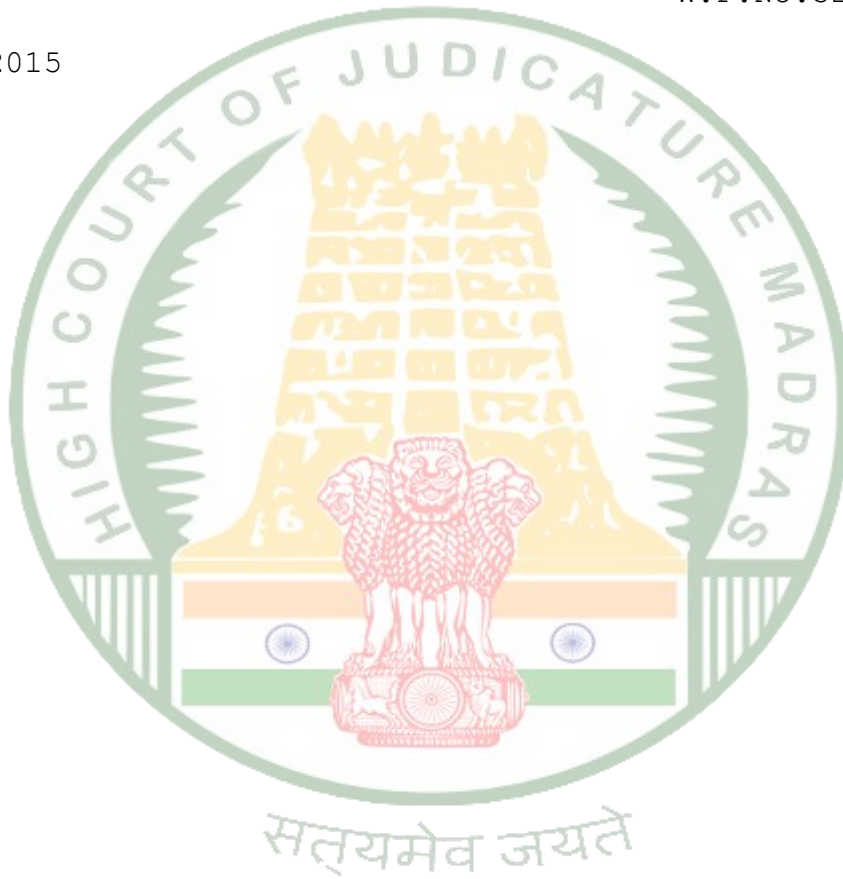
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3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-02.

+1 cc to Mr.M.Selvam, Advocate (sr.55830)
+1 cc to Mr.S.Sairaman, Advocate (sr.55433)

W.P.No.32264 of 2015

AR-III (co)
cp 16/10/2015



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