

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.32859/2015

M.Nagendiran

.. Petitioner

Versus

1. The Managing Director,
Tamilnadu State Transport
Corporation [Villupuram] Limited
Vazhuthareddy, Villupuram 605602.
2. The General Manager
Tamilnadu State Transport Corporation
[Villupuram] Limited, Kancheepuram
Region, Kancheepuram.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme, Thiruvalluvar House
Pallavan Salai, Chennai 600 002. ... Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the respondents to settle the petitioner's 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., 31.12.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

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

ORDER

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

2 It is one more unfortunate case wherein the respondent-Corporation has not settled the terminal benefits due and payable to its retired employee, viz., the petitioner herein, though the State Transport Corporation had purchased very many new buses and plying it.

3 The facts of the case would disclose that the petitioner joined the services of the Tamil Nadu State Transport Corporation and on bifurcation, it has become Pudukottai Alagiri Transport Corporation as a Conductor on 23.03.1988 and retired from service on 31.12.2013 and the time of his retirement, he was working as a Special Grade Conductor in KBD Depot, Chennai of the 2nd respondent-Corporation. The petitioner would state that he was drawing the Basic Pay at Rs.12000/-, Grade Pay of Rs.2200/-, Dearness Allowance of Rs.12870/-, House Rent Allowance at Rs.1600/-, H.A. at Rs.100/-, aggregating to a sum of Rs.29320/-. The petitioner was paid with Provident Fund to a sum of Rs.1,65,000/- on 31.12.2013 and according to him, following amounts are still due and payable:-

[1]	Gratuity	Rs.3,00,000/-
[2]	Commutation	Rs.2,00,000/-
[3]	E.L.Salary	Rs. 20,000/-
[4]	2013 Settlement wage arrears	Rs. 15,000/-
[5]	Difference of pension arrears	Rs. 48,000/-
Total		Rs.5,83,000/-

The petitioner, in this regard, has submitted a representation dated 20.04.2015 to the respondents 1 and 2 following by a reminder dated 29.09.2015 and since no orders have been passed, he came forward to file this writ petition.

4 Learned counsel for the petitioner would submit that the petitioner, as a matter of right, is entitled to get the terminal benefits being settled on time. Since it has not been paid, for belated settlement of terminal benefits, he is also entitled to get interest @ 18% p.a. and prays for appropriate orders.

5 This Court heard the submissions of Mr.S.Sairaman, learned counsel accepting notice on behalf of the respondents. He has drawn the attention of this Court to the judgment dated 12.06.2015 made in WA [MD] No.383 to 457/2015 [K.Rajendran and Others Vs. Tamilnadu State Transport Corporation, Madurai Limited, represented by the Managing Director, Madurai-10 and others] and prays for appropriate orders.

6 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."

7 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 20.04.2015 and the reminder dated 29.09.2015 on merits and in accordance with law in the light of the above cited judgment and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

AP

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu State Transport
Corporation [Villupuram] Limited
Vazhuthareddy, Villupuram 605602.

WEB COPY

2. The General Manager
Tamilnadu State Transport Corporation
[Villupuram] Limited, Kancheepuram
Region, Kancheepuram.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme, Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

+1cc to MR.SAIRAMAN ADVOCATE in SR.NO.56704

+1cc to MR.SELVAM ADVOCATE in SR.NO.56453

WP.No.32859/2015

VGI (CO)
SD 30/10/2015



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