

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.33300 of 2015

R.Settu

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishnan Salai,
Salem-636007.

2. 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 issuance of a Writ of Mandamus directing the respondents to pay retirement benefits viz., Gratuity, Commutation, Pension, Earned Leave, Earned Leave Surrender, Social Welfare Fund and IRT contribution payable to the petitioner with interest @ 9% from 01.03.2015, the date of retirement.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadoss

ORDER

By consent this writ petition is taken up for final disposal.

2. The petitioner joined the services of the respondent transport corporation as Junior Assistant on 23.07.1981 and became permanent employee and retired from service on 28.02.2015 and at the time of retirement, he was working as

Assistant Manager In-charge and his last drawn salary was Rs.47,193/- at the time of retirement and he was also issued with a Service Certificate dated 28.02.2015. The petitioner would further state that while retirement, he was paid with Provident Fund amount of Rs.19,774/- and the following amounts are still due and payable:

Sl.No.	Nature of payment	Amount
1	Gratuity	Rs.8,89,224/-
2	Commutation	Rs.3,66,650/-
3	Earned Leave	Rs.4,61,511/-
4	Earned Leave Surrender	Rs.43,479/-
5	Social Welfare Fund	Rs.69,145/-
6	IRT Contribution	Rs.4,360/-
	TOTAL	Rs.18,34,369/-

The petitioner, in this regard, has submitted a representation dated 22.09.2015 to the respondents and since no order has been passed, came forward to file this writ petition.

3. Heard the submissions of Mr.P.Paramasivadosh, learned counsel who accepts notice for the respondents and invited the attention of this Court to the judgment dated 12.06.2015 made in W.A(MD).Nos.383 to 457 and prays for appropriate orders.

4. It is relevant to extract the following paras of the above said judgment:

"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 settlement 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 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."

5. This Court, in the light of the above facts and circumstances and without going into the merits of the petitioner's representation dated 22.09.2015, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 22.09.2015 and pass orders on merits and in accordance with law, 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.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
12, Ramakrishnan Salai,
Salem-636007.
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.57239

W.P.No.33300 of 2015

KJI (CO)
CA(29/10/2015)