

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33390/2015

G.Ganesan

..

Petitioner

Versus

1.The Principal Secretary
Government of Tamil Nadu
Transport Department
Fort St George, Chennai 600 009.

2.The Managing Director
Tamil Nadu State Transport Corporation
[VPM] Ltd., 3/137, Salamedu, Valuthareddy Post
Villupuram 605 602.

3.The Administrator
The Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai 600 002. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 2nd and 3rd respondents to pay the gratuity amount earned leave surrender amount and pension commutation amount with 18% interest on delayed payment to the petitioner who is retired on 31.05.2014 as Traffic Inspector.

For Petitioner : Mr.D.Veerasekaran

For R1 : Mr.V.Subbiah, Spl.GP

For R2&R3 : Mr.P.Kannankumar

ORDER

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

2 The petitioner after completing 33 years of service, retired as Traffic Inspector on 31.05.2014 and at the time of his retirement, he was paid with a sum of Rs.3,03,880/- and according to him, the other retiral and terminal benefits are still due and payable to him. Hence, the petitioner came

forward to file this writ petition.

3 This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned counsel who accepts notice on behalf of the respondents 2 and 3.

4 It is relevant to extract the decision rendered by the Madurai Bench of this Court 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]:-

"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."

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a representation to the respondents 2 and 3 within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the respondents 2 and 3 are directed to consider the same, on merits and in accordance with law, after taking note of the above cited judgment dated 12.06.2015 and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Principal Secretary
Government of Tamil Nadu
Transport Department
Fort St George, Chennai 600 009.
 - 2.The Managing Director
Tamil Nadu State Transport Corporation
[VPM] Ltd., 3/137, Salamedu, Valuthareddy Post
Villupuram 605 602.
 - 3.The Administrator
The Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.
- +1 cc to Mr.D.Veerasekaran, Advocate, sr.57392
+2 ccs to Mr.P.kannankumar, Advocate, sr.57656
+1 cc to Government Pleader, sr.57716

W.P.No.33390/2015

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