

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34159 of 2015

Mr.A.Dhayalan

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Transport Department,
Secretariat, 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,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay the terminal benefits i.e., gratuity amount, encashment of leave salary, pension communication amount with 18% interest on delayed payment to the petitioner from the date of retirement to till the date of settlement to the petitioner who retired on 30.04.2015 as Superintendent (Administration)

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.V.Subbiah,

Special Government Pleader for R1

Mr.V.Udayakumar for R2 & R3

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner was appointed to the post of Junior Assistant on 04.01.1985 in the service of the erstwhile Pattukottai Azhagiri Transport Corporation and his service was regularized on 04.01.1986 and subsequently promoted as an Assistant on 01.01.1991. In the year 1992 Pattukottai Azhagiri Transport Corporation was bifurcated and new Transport Corporation came into existence under the name and style of Puratchi Thalaivar MGR Transport Corporation. The petitioner was transferred to the said Corporation and where he got his promotion as Senior Assistant on 01.02.1999 and further promotion as Selection Grade Assistant on 01.02.2007. The petitioner was also promoted to the post of Superintendent (Administration) on 24.01.2012 and on attaining the age of superannuation on 30.04.2015, he was allowed to retire from service. The petitioner would submit that while he was in service, he availed housing loan from Indian Overseas Bank and he was paid the monthly installment and at the time of his retirement, he was paid with a sum of Rs.2,86,000/-, which represents his contribution towards provident fund. The following amounts are due and payable to him:

S.No.	Terminal Benefits	Amount due Rs.
1.	Gratuity	6,93,668/-
2.	Pension Commutation	3,15,000/-
3.	Encashment of Leave Salary	5,57,077/-
	Total	15,65,745/-

The petitioner, in this regard, has submitted a representation dated 25.05.2015 to the second respondent praying for settlement of his terminal benefits at an early date and since no orders have been passed, he came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner has invited the attention of this Court to the order passed in W.P.No.32681 of 2015 and would submit that as per the said decision, the retirement benefits shall be disposed of expeditiously and in

fact on the date of retirement itself and soon thereafter, such payment could have been made and however, the respondents 2 and 3 are keeping quite inspite of non settlement of terminal benefits, which was brought into their knowledge and prays for appropriate orders.

4. Heard the submission of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the 1st respondent and Mr.V.Udayakumar, learned counsel who accepts notice on behalf of respondents 2 and 3. He has also invited the attention of this Court to the common judgment dated 12.06.2015 made in W.A.(MD)Nos.383 to 457 of 2015 and would submit that appropriate orders may be passed in the light of the above cited judgment.

5. This Court carefully considered the rival submissions and also perused the materials placed before it.

6. It is also relevant to extract the portion of the judgment dated 12.06.2015 made in W.A.(MD)Nos.383 to 457 of 2015, which reads as follows:

"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."

7. In the light of the above facts and circumstances, the 2nd respondent is directed to consider and dispose of the petitioner's representation dated 31.07.2015 on merits and in accordance with law after taking note of the above cited judgment 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.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Principal Secretary,
Government of TamilNadu,
Transport Department,
Secretariat, Fort St. George,
Chennai- 600 009.

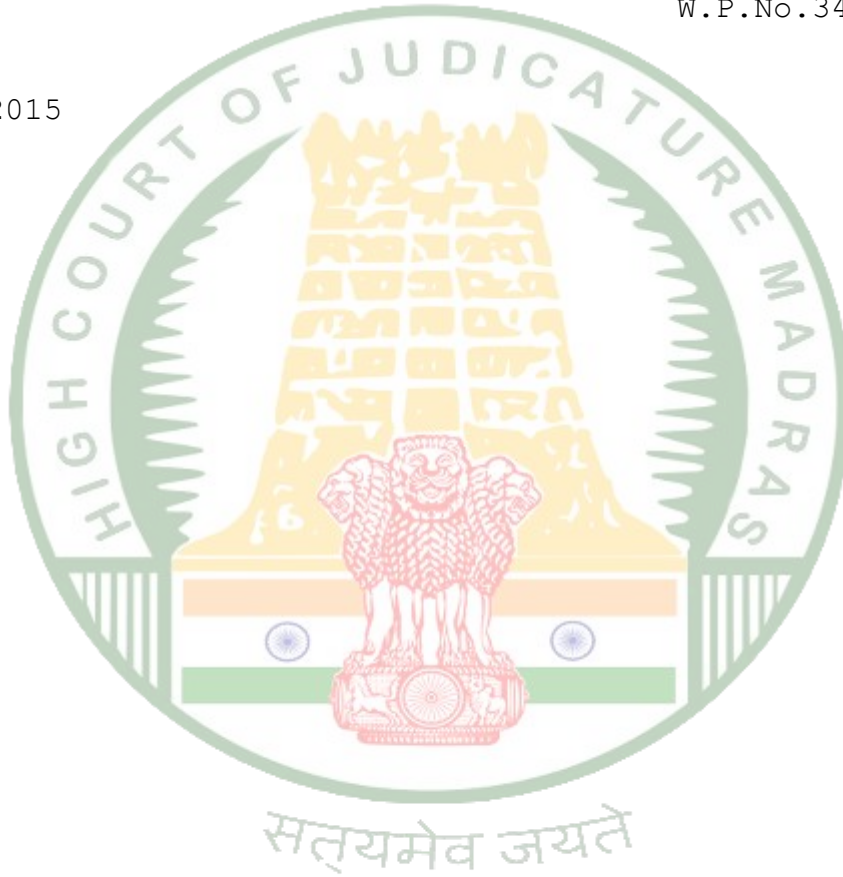
2.The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram - 605 602.

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

1cc to Mr.V.s.Jagadeesan, Advocate sr.58562
+1cc to Government pleader, Sr.58785

W.P.No.34159 of 2015

sv[co]
srg 3/11/2015



WEB COPY