

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.34465/2015

S.Kalaimaran

... Petitioner

Versus

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

2.The General Manager
Tamil Nadu State Transport
Corporation [Villupuram] Limited
Vellore Region, Vellore 632 009.

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 writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, leave encashment and PRBF [Post Retirement Benefit Fund] Pension arrears by calculating D.A. Eligible as per newly implemented, with interest at 12% per annum with effect from 01.08.2014 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : P.Paramasivadosh

ORDER

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

2 The petitioner joined the services of the Tamil Nadu State Transport Corporation [Villupuram] Vellore Region, on 05.09.1984 as Junior Assistant and was confirmed as Junior Assistant with effect from 06.09.1985 and got his promotion and at the time of his retirement on 31.07.2014, was working as the Superintendent in Konavattam Depot of the 2nd respondent / Corporation. He was drawing the Basic Pay of Rs.14,180/-, Grade Pay Rs.4800/-, DA Rs.18980/-, HRA Rs.1240/-, HA Rs.100/-, aggregating to a sum of Rs.39300/- per month. The petitioner further states that at the time of his retirement, he was paid with Provident Fund amount of Rs.3,47,444/- and the following amounts are still due and payable to the petitioner :-

[i] Gratuity	Rs.6,50,000/-
[ii] Commutation	Rs.3,00,000/-
[iii] Leave Encashment	Rs.3,25,000/-
[iv] PRBF Pension [8*1000]	Rs. 8,000/-

Since the above said amounts have not been disbursed, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.P.Paramasivadosh, learned Standing Counsel who accepts notice on behalf of the respondents.

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 In the light of the above facts and circumstances, the petitioner is permitted to submit a representation to the respondents 1 to 3 by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 to 3 are directed to consider the same on merits and in accordance with law, after taking into consideration the above cited judgment of this Court and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-

Assistant Registrar(CS-VII)

True Copy

Sub Assistant Registrar

To

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

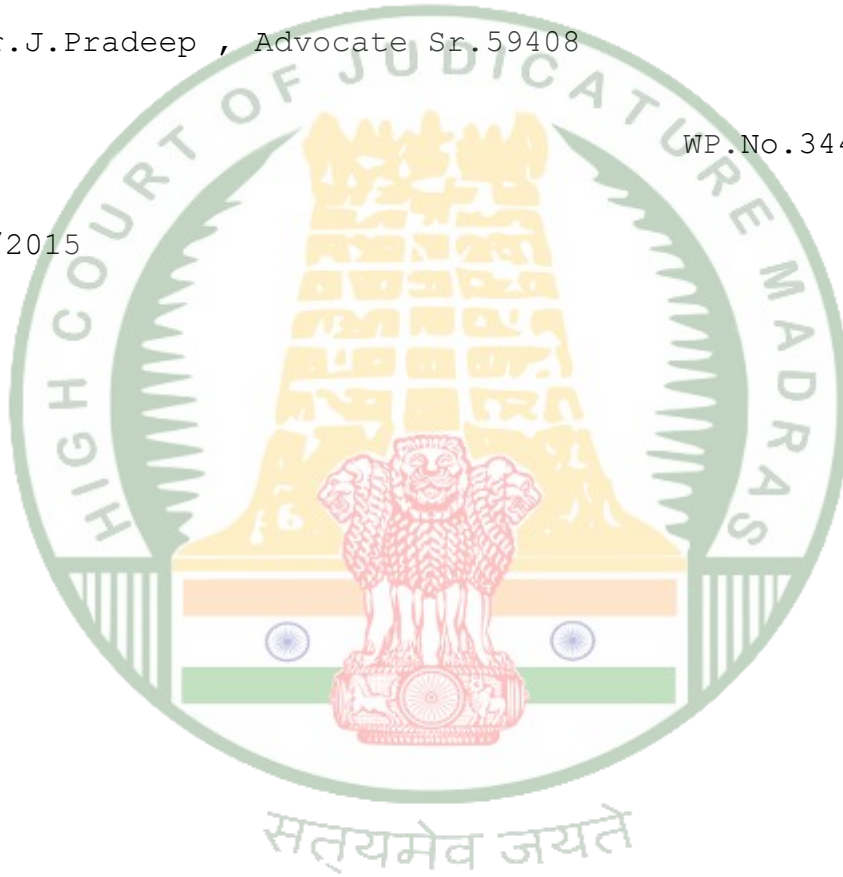
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+lcc to Mr.J.Pradeep , Advocate Sr.59408

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