

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34829 of 2015

K.Balasubramanian

... Petitioner

Vs.

- 1 The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
- 2 The General Manager,
Tamil Nadu 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 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the Petitioner retirement benefits of gratuity 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 retirement i.e.31.12.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.S.Sairaman for R1 and R2

O R D E R

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

2. The petitioner retired from the service of the Tamil Nadu State Transport Corporation (Villupuram) as a Senior Superintendent in the Head Office, Villupuram and was totally drawing a sum of Rs.38,927/- at the time of his retirement and on the eve of retirement, he was paid with provident fund of Rs.1,65,000/- and he has not been disbursed with gratuity benefits to the tune of Rs.7,50,000/- and in this regard, he has submitted a representation dated 12.06.2015 to the respondents and since no orders have been passed, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court in series of orders passed in W.P.Nos.24806, 24996 and 32264 of 2015 dated 12.08.2015, 13.08.2015 and 09.10.2015 respectively has passed orders following the judgment of the Madurai Bench of this Court and hence, prays for appropriate orders.

4. This Court also heard the submissions of Mr.S.Sairaman, learned counsel who accepts notice on behalf of the respondents 1 and 2.

5. It is relevant to extract paragraph no.5 of the order dated 09.10.2015 made in W.P.No.32264 of 2015 which reads as follows:

"5. It is relevant to extract paragraph no.4 of the order dated 12.08.2015 made in W.P.No.24806 of 2015 which reads as follows:

"4. It is further stated by the petitioner that in similar facts and circumstances, the Hon'ble Division Bench of this Court vide judgment dated 12.06.2015 made in W.A.Nos.383 to 457 of 2015, has passed the following order:

"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." "

6. Though the petitioner prayed for a larger relief, 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 12.06.2015 on merits and in accordance with law, in the light of the above stated 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.

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

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Sd/-

Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
- 2 The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.

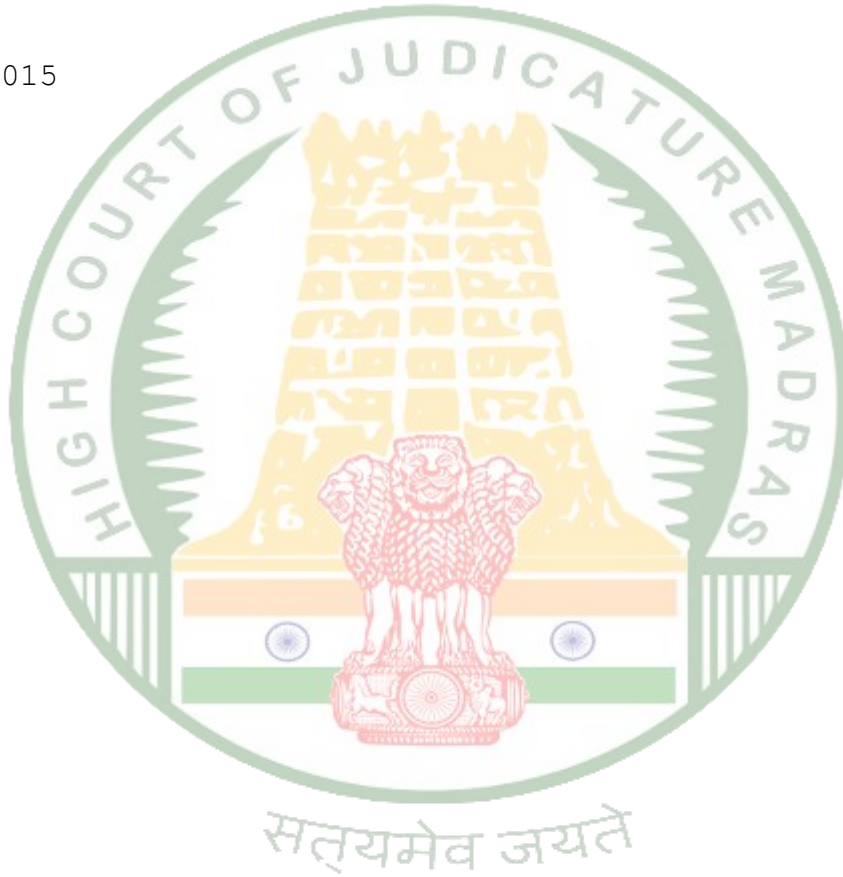
3 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

+1 C.C. To MR.S.Sairaman, Advocate in SR.NO.59413

+1 C.C. To MR.M.Selvam, Advocate in SR.NO.59347

W.P.No.34829 of 2015

SV(CO)
sd : 04/11/2015



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