

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35811 of 2015

Veerasamy

.. Petitioner

..vs..

1. The Government of Tamil Nadu,
rep. by the Principal Secretary to Government,
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.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to pay the gratuity amount, with 18% interest on delayed payment to the petitioner who was retired on 31.07.2013 as Traffic Inspector in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran

For 1st respondent : Mr.M.L.Mahendran,
Government Advocate

For 2nd respondent : Mr.P.Kannan Kumar

O R D E R

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

2. According to the petitioner, after completing 33 years of service, he retired as Traffic Inspector on 31.07.2013 and at the time of his retirement, he was paid with a sum of Rs.36,646/- as his contribution towards Provident Fund Account, but the other retiral benefit and terminal benefits are not settled till date. Hence, the petitioner came forward to file this Writ Petition.

3. This Court heard the submissions of Mr.D.Veerasekaran, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate who accepts notice on behalf of the first respondent and Mr.P.Kannan Kumar, learned counsel who accepts notice on behalf of the second respondent.

4. It is relevant to extract the decision rendered by the Madurai Bench of this Court dated 12.06.2015 made in W.A.(MD)No.383 to 457 of 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 installments, 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 installments, 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 installments to be paid from July 2015 and each installments 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 second respondent, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the second respondent is 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.

Asvm

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

To

1. The Principal Secretary to Government,
The 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.

+1 C.C. To Government Pleader in SR.NO.61394

+1 C.C. To MR.D.Veerasekaran, Advocate in SR.NO.60891

+ 1 cc to Mr.P.Kannan Kumar, Advocate Sr 61695 (7/1/16)

W.P.No.35811 of 2015

SAI (CO)
sd : 25/11/2015



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