

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.37939 of 2015

R.Meghanathan

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, 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.

Respondent

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Directing the Respondents to disburse the payments relating to Gratuity, PF recovery in DA arrears Leave Encashment, difference amount due to DA Increasing, H.R.A. arrear, Pension DA arrear 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 01.04.2013 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner
For Respondents

: Mr.J.Pradeep
: Mr.P.Kannan Kumar

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that he joined the service of the respondent Transport Corporation (Villupuram) Ltd, on 12.01.1984 as Junior Assistant Trainee and he retired from service on attaining the age of superannuation on 31.03.2013 and at the time of retirement, he was paid provident fund of Rs.1,48,599/- and Rs.3,13,611/- towards commutation amount, while he is entitled for the terminal benefits of Rs.6,54,900/-.

3. It is the contention of the petitioner that he is entitled for remaining terminal benefits with interest at the rate of 12% per annum with effect from 01.04.2013 and in this regard, the petitioner has made several representations in person to the respondents. Since the respondents have not considered, the present Writ Petition has been filed.

4. In the similar facts and circumstances, this Court, following the judgment rendered by the Honourable Division Bench of this Court in W.A (MD) Nos.383 to 457 of 2015 on 12.6.2015, has passed an order dated 12.8.2015 in W.P.No.24806 of 2015, wherein, it has been held 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."

5. The petitioner prayed for similar relief and in this regard also submitted a representation dated 20.07.2014, and since he is yet to be favoured with any kind of response, came forward to file this writ petition.

6. Heard the submissions of Mr.M.Selvam, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned Standing Counsel who accepts notice on behalf of the respondents.

7. It is well settled position of law that the terminal benefits are legal entitlement of the retired employees and the duty is cast upon the respondent Corporation to settle the same on time. However, this Court is repeatedly coming across cases wherein the respondent Corporation is not settling the terminal benefits on time and thereby, driving the employees everytime to get the settled relief. Therefore, the practice adopted by the respondent Corporation is deprecated.

8. This Court taking into consideration the present facts and circumstances, directs the respondents to consider and dispose of the petitioner's representation dated 20.07.2014 on merits and in accordance with law in the light of the judgment of the Hon'ble Division Bench of this Court dated 12.06.2015 made in W.A.Nos.383 to 457 of 2015 and pass orders within a period of six 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."

5. In view of the above matter, this Court, considering the submissions of the learned counsel for the petitioner and in the facts and circumstances of the case, permits the petitioner to submit one more representation to the respondents by enclosing a copy of this order as well as copies of the other relevant records within a period of two weeks from the date of receipt of a copy of this order. The respondents, on receipt of the same, are directed to consider the said representation on merits and in accordance with law in the light of the judgment of the Hon'ble Division Bench of this Court dated 12.06.2015 made in W.P.Nos.383 to 457 of 2015 and pass appropriate orders within a period of six weeks thereafter and communicate the decision taken by him to the petitioner.

With the above said directions, the writ petition is disposed of. No costs.

sms

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

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+ 1 cc to M/s.J.Pradeep, Advocate SR 65222

mp(co)
prk31/12

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