

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No. 38127 of 2015

Natarajan

...Petitioner

Vs.

- 1.The Government of Tamil Nadu rep. by
Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.
2. The Managing Director,
Metropolitan Transport Corporation Ltd,
Pallavan House,
Anna Salai,
Chennai-600 002.
- 3.The Administrator,
The Tamil Nadu State
Transport Corporation Pension Fund Trust,
Thiruvallur-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 2nd and 3rd respondents to pay the amounts of earned leave surrender salary for a sum of Rs.4,03,072/- encashment of Leave on Private Affairs for a sum of Rs.75,576/-, leave credit salary for a sum of Rs.1,00,768/- as on 31.12.1998, pension commutation amount for a sum of Rs.4,07,500/- and also differential gratuity amount for a sum of Rs.31,458/- totally is Rs.10,18,374/- (Rupees Ten

Lakh Eighteen thousand three hundred and Seventy Four) with 18% interest on delayed payment to the petitioner who is retired on 31.10.2014 as Assistant Manager (Legal) in the 2nd respondent's office and the same claimed through the representation dated 25.09.2015.

For Petitioner : Mr.D.Veersekaran

For Respondents : Mr.N.Roofus Abraham (R1)
Government Advocate
Mr.P.Kannankumar (R2 and R3)

O R D E R

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

2. It is the case of the petitioner that he was appointed as a Junior Assistant at Thiruvallur Transport Corporation, Chennai on 17.07.1982. The petitioner was promoted as a Superintendent (Legal) on 01.01.1998 in the second respondent office and as a Senior Superintendent (Legal) on 01.01.2004 and retired from service on attaining the age of Superannuation on 31.10.2014 as Assistant Manager (Legal).

3. The petitioner would state that at the time of his retirement, the respondent paid a sum of Rs.32,811/- towards his contribution to the P.F.Account and sum of Rs.8,98,708/- towards gratuity amount. However, the respondent has not paid the balance amount of Rs.10,18,374/- and therefore he submitted a representation to the second respondent on 25.09.2015, seeking to settle the terminal benefits. Since, no orders has been passed till date, the petitioner has come forward with this Writ Petition.

4. This Court heard the submissions of Mr.D.Veerasekaran, learned counsel for the petitioner and Mr.N.Roofus Abraham 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.

5. It is relevant to extract the decision rendered by the Madurai Bench of this Court dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 205 (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 Paryana 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."

6. 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.

7.This Writ Petition is disposed of, accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government,
The Government of Tamil Nadu
Transport Department, Fort St. George,
Chennai-600 009.
 2. The Managing Director,
Metropolitan Transport Corporation Ltd,
Pallavan House, Anna Salai,
Chennai-600 002.
 - 3.The Administrator,
The Tamil Nadu State Transport Corporation Pension Fund Trust,
Thiruvallur-House,
Pallavan Salai, Chennai-600 002.
- +1cc to Mr.D.Veersekaran, Advocate sr.65026

W.P.No.38127 of 2015

srg 4/12/2015

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