

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38414 of 2015

V.Muthazhagi

... Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department, Secretariat,
Fort St. George,
Chennai 600 009.
 2. State Express Transport Corporation Ltd.,
(Old Name Thiruvalluvar Transport Corpn. Ltd)
Rep. by Managing Director,
Pallavan Salai, Chennai 600 002.
 3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents 1 to 3 to pay the gratuity amount, encashment of leave salary, EPF amount, Social Welfare Fund, Engineering and Medical College amount and Commutation of Pension amount with 18% interest on delayed payment to the petitioner from the date of retirement, till the date of settlement to the petitioner, who retired on 30.06.2015 as Sr.Superintendent (Administration).

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.N.Srinivasan,
Additional Government Pleader
for R1
Mr.P.Paramasivadosh for R2 and R3

O R D E R

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

2.The petitioner would stated that she was appointed as a Junior Assistant in the erstwhile Thiruvalluvar Transport Corporation Limited on 26.03.1981. Subsequently, she was promoted as Sr.Superintendent and retired from service on attaining the age of superannuation on 30.06.2015.

3.The grievance of the petitioner is that on the date of retirement, the 2nd respondent has issued two post-dated cheques for Rs.2,00,000/- and Rs.1,50,000 towards payment of gratuity and they have not settled the remaining terminal benefits of Rs.19,80,270/- and therefore, she made a representation to the Managing Director, State Express Transport Corporation Limited, on 03.09.2015 and the same was not considered and hence, the present Writ Petition.

4.Heard the submissions of Mr.V.S.Jagadeesan, learned counsel appearing for the petitioner, Mr.N.Srinivasan, learned Additional Government Advocate appearing for the respondent No.1 and Mr.P.Paramasivadosh, learned counsel for the respondents No.2 and 3.

5.In the considered opinion of this Court, the respondents, being the employer, is bound to pay the retirement and terminal benefits, due and payable to the petitioner on time. It is also relevant to extract the order dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 2015, which reads as follows:

"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 has sought for larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 2 and 3 to consider the representation of the petitioner, dated 03.09.2015, in the light of the above cited judgment and pass orders within a period of four 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department, Secretariat,
Fort St. George,
Chennai 600 009.

2. State Express Transport Corporation Ltd.,
(Old Name Thiruvalluvar Transport Corpn. Ltd)
Rep. by Managing Director,
Pallavan Salai, Chennai 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai 600 002.

+lcc to Mr.V.S.Jagadeesan, Advocate, S.R.No.65406
+lcc to the Government Pleader, S.R.No.65466

W.P.No.38414 of 2015

VS (CO)
CA(18/12/2015)



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