

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38855 of 2015

K.C.Radhakrishnan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to Government
Transport Department
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Managing Director
State Express Transport Corporation ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.
3. The Chief Accounts Officer,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to settle the retirement benefits payable to the petitioner in the post of Selection Grade Senior Tradesman on the date of retirement on 30.04.2013 along with interest @ 18% per annum from the date of retirement till the date of settlement of retirement benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Udayakumar

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner was initially appointed as Assistant Trades Man in the erstwhile Thiruvallur Transport Corporation now renamed as State Express Transport Corporation from 19.10.1979. Subsequently, he was promoted as Senior Tradesman and retired from service on 30.04.2013 on attaining the age of superannuation. Since, the respondents has not settled the entire retirement benefits, hence, he made a representation dated 05.11.2015.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court by order dated 09.07.2015 in WP.No.20351 of 2015, has directed the respondents to settle the terminal benefits within a stipulated time by placing reliance upon the judgment reported in 2009 (3) MLJ 1 (Government of Tamil Nadu represented by the Secretary to Government V. V.M.Deivasigamani) and prays for appropriate orders.

4. Per contra, the learned standing counsel appearing for the respondents has drawn the attention of this Court to the judgment dated 12.06.2015 in WA.(MD).Nos.383 to 457 of 2015 and Division Bench of the Madurai Bench of the Madras High Court ordered that the arrears to be paid in instalments and prays for appropriate orders.

5. This Court heard the rival submissions of both sides and perused the materials placed before this Court.

6. It is relevant to extract the above said common judgment, which is as follows :-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/201502 dated 11.06.2015 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 Hon'ble Supreme Court in D.D.Tewari (D) Thr.Lrs. V. Uttar Haryana Bijli Vitran Nigam Ltd and others (2014 (9) Scale - 78), wherein it is held that in the 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 every month.

4. The writ appeals are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

7. In the light of the above said judgment, respondents are directed to consider the representation of the petitioner dated 05.11.2015 with regard to the claim of the petitioner for settlement of retirement/terminal benefits and pass orders on merits and in accordance with law 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.

8. The writ petition is disposed of accordingly. No costs.
Tsh

Sd/-
Assistant Registrar (CS-V)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government
Transport Department
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Managing Director
State Express Transport Corporation ltd.,
No.2, Pallavan Salai,
Chennai - 600 002.
3. The Chief Accounts Officer,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai - 600 002

+1 C.C. To MR.G.Sankaran, Advocate in SR.NO.67369

+1 C.C. To MR.V.Udayakkumar, Advocate in SR.NO.67024

+1 C.C. To The Government Pleader in SR.NO.67224

W.P.No.38855 of 2015.

CA : (CO)
sd : 29/12/2015

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