

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38856 of 2015

A.Philominraj

... 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 Driving Instructor as on the date of retirement on 30.06.2012 along with interest at 18% per annum from the date of retirement till the date of settlement of terminal benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Udayakumar

ORDER

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

2. According to the petitioner, he was appointed as Driver in the erstwhile Thiruvallur Transport Corporation now renamed as State Express Transport Corporation from 19.10.1979. Thereafter, he was promoted as Driving Instructor in the year 2006 and on attaining the

age of superannuation he retired from service on 30.06.2012. Though, he was permitted to retire from service, but he was not paid with entire terminal benefits. Hence, the petitioner filed the present writ petition.

3. Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioner and M/s.V.Udayakumar, who accepts notice on behalf of the respondents.

4. In similar facts, the division bench of this Court in WA(MD). No.383 to 457 of 2015 has held 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.

5. Though the petitioner 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 by enclosing a copy of this order and relevant records within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent shall consider the said representation in the light of the above said judgment, on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter and communicate the decision taken to the petitioner.

6. 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.Udayakumar, Advocate in SR.NO.67023

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

W.P.No.38856 of 2015.

CA : (CO)

sd : 29/12/2015

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