

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40408 of 2015

G. Velu

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Petitioner

Vs

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - post,
Villupuram - 600 602.
 3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar 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 respondents 1 to 3 to pay the gratuity amount, encashment of leave salary, pension commutation amount with 18% interest on delayed payment to the petitioner from the date of retirement to till the date of settlement to the petitioner who retired on 30.06.2014 as Sr.Superintendent (Welfare).

For Petitioner : Mr.V.S.Jagadeesan

For Respondent : Mr.S.Gunasekaran
No.1

For Respondent : Mr.P.Kannan Kumar
No. 2 & 3

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The case of the petitioner is that he appointed as Junior Assistant in the erstwhile Pallavan Transport Corporation Ltd., (District) on 17.07.1981 and thereafter, he was transferred to the Pattukottai Azhagiri Transport Corporation Ltd., at Vellore. He retired on attaining the age of superannuation on 30.06.2014 as Senior Superintendent. On the date of retirement, the petitioner was paid only Rs.1,93,772/- for his provident fund contribution and the balance terminal benefits of Rs.18,00,000/- was not settled by the respondents. Therefore, the petitioner made a representation on 07.09.2015, but, so far, no order has been passed. Hence, the present writ petition has been filed.

3. Heard the submissions of Mr.V.S.Jagadeesan, learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the first respondent and Mr.P.Kannan Kumar, learned counsel appearing for the second and third respondents.

4. 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."

5. 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 07.09.2015, 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.

sms

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - post,
Villupuram - 600 602.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan salai,
Chennai - 600 002.

+ 1 cc to Govt.Pleader SR 69651

+ 1 cc M/s.V.S.Jagadeesan, Advocate SR 69105

+ 2 ccs to Mr.P.Kannankumar, Advocate SR 69142

sai(co)
prk11/1

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