

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40418 of 2015

M.Alagapuri

...

Petitioner

Vs.

- 1 The Government of Tamilnadu
rep. by principal Secretary to Government,
Transport Department, Fort St George,
Chennai-600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd., 3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st & 2nd respondents to pay the surrender leave salary, leave credit salary and gratuity amount with 18% interest on delayed payment to the petitioner who retired on 30.06.2015 as Foreman in the 2nd respondent office.

For Petitioner : Mr.D.Veerasekaran
For Respondent : Mr.S.Gunasekaran
No.1 Government Advocate

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

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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 joined in the Thanthai Periyar Corporation as Helper ITI on 23.01.1981 and his service was regularised on 01.03.1983 as Junior Trade Man. After serving 34 years, the petitioner retired from service on 30.06.2015 on attaining the age of superannuation. On the date

of retirement, the petitioner was paid Rs.4,86,000/- towards his provident fund contribution. But the balance terminal benefits of Rs.12,33,840/- was not settled by the respondents. Therefore, he gave a representation, but it was not considered. Hence, the present writ petition has been filed.

3. Heard Mr.D.Veerasekaran, 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, who accepts notice on behalf of the second respondent.

4. 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 2015 (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 Haryana 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."

5. This Court, in the light of the above facts and circumstances, permits the petitioner to submit one more

representation to the second respondent by enclosing a copy of this order as well as copy of the relevant records within a period of two weeks from the date of receipt of a copy of this order. The second respondent, on receipt of the same, is directed to consider the said representation 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.

With the above said direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sms

To

- 1 The Principal Secretary to Government of Tamilnadu
Transport Department, Fort St George,
Chennai-600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd., 3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602.

+1cc to Mr.P.Kannankumar, Advocate, S.R.No.69145
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.69172
+1cc to the Government Pleader, S.R.No.69726

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