

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2016

CORAM:

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.11134 of 2014

S.Kannan

... Petitioner

Vs.

1. The Secretary to Government,  
Transport Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

2. The Managing Director,  
Metropolitan Transport Corporation  
(Chennai) Limited,  
Anna Salai,  
Chennai - 600 002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus, to direct the respondents to settle the arrears of salary in the post of Senior Assistant Engineer for the period from 05.07.2008 to 22.11.2011 and other retirement benefits eligible 8% enhanced Dearness Allowances and corresponding pensionary benefits like Commutation, Gratuity, Pension etc. and by considering the representations submitted by the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For R-1 : Mr.A.Kumar,

Special Government Pleader

For R-2 : Mr.P.Paramasivadoss

Standing Counsel

ORDER

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner joined the service of the Transport Corporation and he voluntarily retired from service on 30.04.2013 due to his illness. Now, the grievance of the petitioner is that though he retired from service on 30.04.2013, till date, he was not paid the retirement benefits and the

arrears of salary in the post of Senior Assistant Engineer for the period from 05.07.2008 to 22.11.2011. In this regard, he made several representations to the respondents, but, there was no response. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the second respondent, would affirm that the issue involved in this Writ Petition is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records 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)through LRS. Vs. Uttar Haryana Bijli 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 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 7<sup>th</sup> of each month."

5. Considering the fact that the issue involved in this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director of the Transport Corporation is directed to disburse the aforementioned retiral benefits to the petitioner in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also

made clear that the first instalment shall commence from 15.11.2016.

6. With the above direction, the Writ Petition is disposed of. No costs.

ogy

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,  
Transport Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

2. The Managing Director,  
Metropolitan Transport Corporation  
(Chennai) Limited,  
Anna Salai,  
Chennai - 600 002.

+ 1 cc to Mr.G.Sankaran, Advocate SR 42959

+ 1 cc to M/s.P.Paramasivados, AdvocateSR 42972

vd(co)  
prk31/8

W.P.No.11134 of 2014

WEB COPY