

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.163 of 2016

K.Rathinam

... Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited
No.12, Ramakrishna Road,
Salem-636007.

2.The Administrator
Tamil Nadu State Transport Corporation (Salem) Limited
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents to disburse the Gratuity, commutation, ERBS (employees retirement benefit scheme), pension arrears, Surrender Leave Salary i.e, Earn Leave, Salary DA (dearness allowance) and pension DA arrears with interest at 12% per annum with effect from 31.05.2015 within the time stipulated by this Court.

For Petitioner : Mr.T.Ananthasekar

For Respondents : Mr.R.K.Gandhi.

सतयमेव जयते
O R D E R

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

2. The case of the petitioner is that he joined the service of the respondent Corporation on 01.02.1981 and retired from the service on 31.05.2015. At the time of retirement, the petitioner was paid only the Provident Fund amount, however other terminal benefits were not settled. Therefore, he made representation to the respondent on 26.12.2015. Since no orders has been passed on the representation, the petitioner has come up before this court by way of this writ petition.

3. Mr.R.K.Gandhi learned Standing Counsel appearing for the second respondent has drawn the attention of this Court to the judgment dated 12.06.2015 in W.A.(MD).Nos.383 to 457 of 2015 and would submit that in similar facts and circumstances, the 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.

4. 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/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. In the light of the above-said judgment, respondents 1 and 2 are directed to consider the representation of the petitioner dated 26.12.2015, with regard to the claim 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.

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

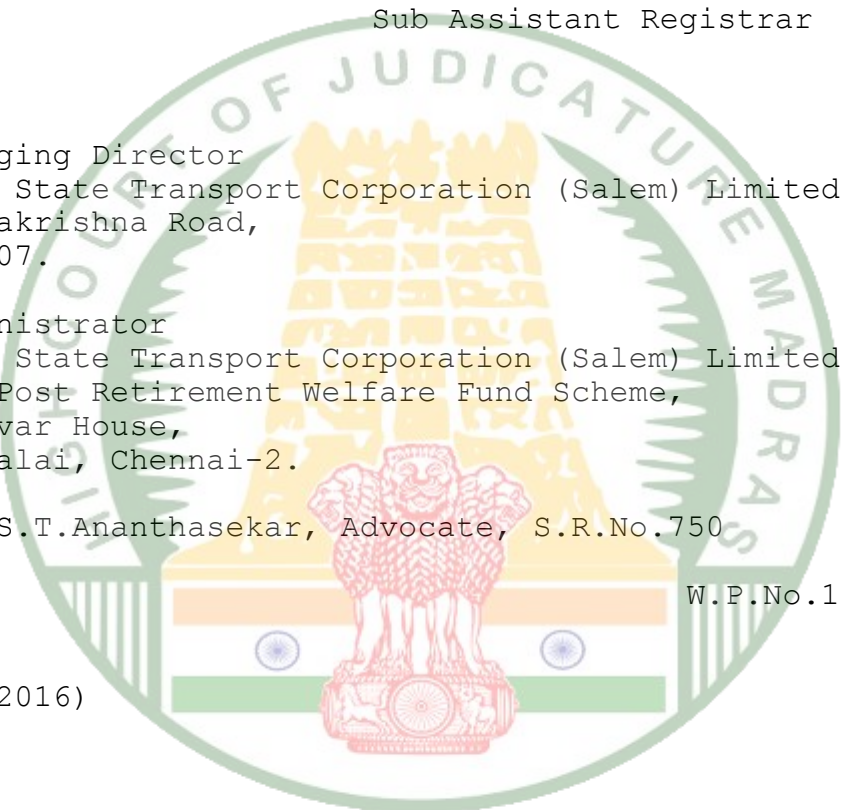
1.The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited
No.12, Ramakrishna Road,
Salem-636007.

2.The Administrator
Tamil Nadu State Transport Corporation (Salem) Limited
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

+1cc to M/S.T.Ananthasekar, Advocate, S.R.No.750

W.P.No.163 of 2016.

rsk(CO)
srg(27/01/2016)

The seal is circular with a green border. Inside, there is a yellow temple gopuram (tower) in the center. Below the gopuram is a red lion capital of Ashoka. The text 'TAMIL NADU STATE TRANSPORT CORPORATION' is written in a semi-circle at the top, and 'Salem' is written in a semi-circle at the bottom. The motto 'सत्यमेव जयते' is written in Devanagari script at the bottom of the seal.

सत्यमेव जयते

WEB COPY