

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.18772 of 2016

P.Haridoss

.. Petitioner

Vs.

1. Metropolitan Transport Corporation Limited  
rep. by the Managing Director  
Pallavan House  
Pallavan Salai  
Chennai-600 002.
2. Metropolitan Transport Corporation Limited  
rep. by the General Manager  
Pallavan House  
Pallavan Salai  
Chennai-600 002.
3. Tamil Nadu State Transport Corporation (MTC) Limited  
Employees Post Retirement Welfare Fund Scheme  
rep. by the Administrator  
Thiruvalluvar House  
Pallavan 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, directing the respondents to settle the retirement benefits payable to the petitioner including commutation amount, leave salary, dearness allowance arrears, revised pension with arrears, and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Court, by considering and passing orders on the representation of the petitioner, 13.04.2016.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.Sairaman  
Standing Counsel  
for Transport Corporation

## O R D E R

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

2. The petitioner, who joined the services as Helper (Painter) in the erstwhile Pallavan Transport Corporation (District) Limited, on 02.06.1980, retired from service on 31.05.2015. The grievance of the petitioner is that, though, he retired from service on 31.05.2015, till date, he was not paid with the retirement benefits including commutation amount, leave salary, dearness allowance arrears, revised pension with arrears, and all other attendant retirement benefits. Therefore, the petitioner submitted a representation before the respondents, on 13.04.2016, seeking to pay the retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement. However, till date, the same has not been considered. Hence, the present writ petition.

3. Mr.K.Selvaraj, 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 petitioner 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. Mr.S.Sairaman, the learned Standing Counsel, who took notice on behalf of the respondents/Transport Corporation, would affirm that the issue involved in this case 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 respondents 1 and 2 are 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 01.07.2016.

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

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director  
Metropolitan Transport Corporation Limited  
Pallavan House, Pallavan Salai, Chennai-600 002.
2. The General Manager  
Metropolitan Transport Corporation Limited  
Pallavan House, Pallavan Salai, Chennai-600 002.
3. The Administrator  
Tamil Nadu State Transport Corporation (MTC) Limited  
Employees Post Retirement Welfare Fund Scheme  
Thiruvalluvar House  
Pallavan Salai, Chennai 600 002.

1 cc to Mr.K.Selvaraj, Advocate, sr.29649

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