

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.19457 of 2016

M.Sivakumar

... Petitioner

Vs.

1. The Managing Director
Tamilnadu State Transport
Corporation (VPM) Limited
3/137, Salamedu, Vazhuthareddy P.O.
Villupuram-605 602.
2. The General Manager
Tamilnadu State Transport
Corporation (VPM) Limited
Karapettai, Kancheepuram-631 501.
3. The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
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 petitioner's retirement benefits, including Gratuity, Encashment of Leave Salary, and D.A.arrears, with interest at the rate of not less than 12% per annum from the date of his retirement i.e., 31.08.2013 till the date of settlement, within such time as may be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.R.Munuswamy

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 "Driver" in the Pattukottai Azhagiri Transport Corporation, on 20.12.1991, retired from service, on 31.08.2013. The grievance of the petitioner is that, though, he retired from service on 31.08.2013, till date, he was not paid with the retirement benefits, including Gratuity, Encashment of Leave Salary, and D.A. arrears. Therefore, the petitioner submitted a representation before the respondents 1 and 2, on 10.05.2016, seeking to pay the said retirement benefits, with interest at the rate of not less than 12% per annum from the date of his retirement i.e., 31.08.2013 till the date of settlement. However, till date, the same has not been considered. Hence, the present writ petition.

3. Mr. R. Munuswamy, 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. 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 7th 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 01.08.2016.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.R.Munuswamy, Advocate, S.R.No.31143

W.P.No.19457 of 2016

GJ II(CO)
CA(23/06/2016)