

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.208 of 2016

R.Gopalsamy

... Petitioner

Vs.

1.The Government of Tamil Nadu rep by
Principal Secretary to Government
Transport Department
Secretariat, Fort St.George, Chennai-9.

2.The Managing Director

***Tamilnadu State Transport Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore 641 043.**

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents 1 and 2 to pay the amounts of earned leave surrender salary for a sum of Rs.5,72,657 encashment of leave on private affairs for a sum of Rs.1,80,000/- surrender leave salary for a sum of Rs.1,00,000/- as on 31.05.2012 totally Rs.8,52,657/- with interest on delayed payment to the petitioner who is retired on 31.05.2012 as General Manager in the second respondent office.

For Petitioner : Mr.D.Veeraskaran

For Respondents : Mr.S.Gunasekaran, GA for R1.
Mr.R.Kannan Kumar for R2.

सत्यमेव 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 respondents transport corporation as Assistant Engineer on 02.12.1981. Subsequently, he was promoted as Assistant Manager on 01.07.1987.

3.The petitioner would state that on the date of retirement he was paid Rs.4,66,000/- towards provident fund contribution and the balance terminal benefits of Rs.8,52,657/- was not settled by the respondents. Hence, the petitioner approached

the second respondent directly in the first week of every month for more than three and half years.

4.This Court heard the submissions of Mr.D.Veerasekaran, learned counsel appearing for the petitioner and Mr.S.Gunasekaran, 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.

5.It is relevant to extract the decision rendered by the Madurai Bench of this Court dated 12.06.2015 made in WA.(MD). Nos.383 to 457 of 2015 (K.Rajendran and others V. Tamil Nadu State Transport Corporation, Madurai Ltd., 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/201502 dated 11.06.2015 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 Hon'ble Supreme Court in D.D.Tewari (D) Thr.Lrs. V. Uttar Haryana Bijli Vitran Nigam Ltd and others (2014 (9) Scale - 78), wherein it is held that in the 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 every month.

4.The writ appeals are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

6.Though the petitioner has prayed for a larger relief, this court in the light of the above facts and circumstances, permits the petitioner to submit a representation to the second respondent, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, the second respondent is directed to consider the same, on merits and in accordance with law, after taking note of the above cited judgment dated 12.06.2015 and pass orders within a

further period of four weeks thereafter and communicate the decision taken to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)
Dated : 22.01.2016

***Corrected as per the letter.**

Sd/- Assistant Registrar(CS VI)
Dated : 17.02.2016

//True Copy//

Sub Assistant Registrar

To

1.The Government of Tamil Nadu rep by
Principal Secretary to Government
Transport Department
Secretariat, Fort St.George, Chennai-9.

2.The Managing Director
***Tamilnadu State Transport**
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore 641 043.

To be Substituted to
the Order already
despatched on
12.02.2016

+lcc to Mr.D.Veerasekaran, Advocate, S.R.No.1073
+lcc to the Government Pleader, S.R.No.960

W.P.No.208 of 2016.

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

CA(17.02.2016)

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