

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40851 of 2015

R.Udhayakumar
Senior Superintendent (Retd)
P.R.No.1507,
514, Hari Om 1st Street,
Phase III Vallalar, Sathuvachari,
Vellore - 632 009. ...Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Ltd, No.3/137, Salamedu
Valudhareddy Post,
Villupuram - 605 602
2. The General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd
Vellore Region,
Vellore - 632 009
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai - 600 002 ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to gratuity, commutation, leave liabilities arrears etc., with interest.

For Petitioner : Mr.D.Rajagopal
For Respondents : Mr.P.Kannankumar

O R D E R

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

2.It is the case of the petitioner that he was retired from service on 31.01.2015 as Senior Superintendent in Secretariat Section in Tamil Nadu State Transport Corporation (Villupuram Ltd)

Vellore Region. On the date of his retirement the petitioner was paid Rs.2,00,450/- towards provident fund, but the other retirement benefits were not settled by the respondents. Therefore, he sent a representation on 03.12.2015, however, no order has been passed by the respondents.

3. Heard the submissions of Mr.D.Rajagopal, learned counsel appearing for the petitioner and M/s.P.Kannan Kumar, learned counsel who accepts notice on behalf of the respondents.

4. Learned standing counsel appearing for the respondents has drawn the attention of this court to the judgment dated 12.06.2015 in WA.(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.

5. 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."

6. In the light of the above-said judgment, respondents are directed to consider the representation of the petitioner for settlement of retirement/terminal benefits and pass orders 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.

7. The Writ Petition is disposed of accordingly. No costs.

tsh

Sd/-
Assistant Registrar (Judicial)

/True Copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Ltd, No.3/137, Salamedu
Valudhareddy Post,
Villupuram - 605 602
2. The General Manager,
Tamilnadu State Transport Corporation
(Villupuram) Ltd
Vellore Region,
Vellore - 632 009
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai - 600 002.

+2 CC to Mr.P.Kannan Kumar, Advocate in SR.NO. 192

+1 CC to Mr.D.Rajagopal, Advocate in SR.NO. 63

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W.P.No.40851 of 2015

CO-RSY

MLT 28/01/2016