

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.40886 of 2015

A. Chokkalingam

.. Petitioner

Vs

- 1.Managing Director,
Tamil Nadu State Transport
Corporation (Cbe) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.
- 2.The General Manager,
Tamil Nadu State Transport
Corporation (Cbe) Ltd.,
Erode Region, Chennimalai Road,
Erode-638 001.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay all the retirement benefits including Gratuity, Provident Fund accumulation, Social Security Scheme amount, refund of Institute of Road Transport Contribution amount and Leave Salary with interest at the rate of 18% per annum within the time that may be stipulated by this Court and to grant the interest at the rate of 18% per annum for the belated settlement of Provident Fund, Social Security Scheme arrears and the Refund of Institute of Road Transport Contribution and other eligible benefits from the date of retirement to till the date of settlement within the time limit frame.

For Petitioner : Mr.A. Rajendran

For Respondents : Mr.S.Sairaman

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The case of the petitioner is that he joined the service of the first respondent on 21.07.1982 and retired from service on 27.10.2015 as a Senior Tradesman.

3. The petitioner would state that he is entitled for terminal benefits of Rs.11,15,206/- but the amount was not settled by the respondent immediately and therefore, he sent a representation on 02.11.2015. Since no order has been passed, the present writ petition has been filed.

4. Heard Mr.A.Rajendran, learned counsel appearing for the petitioner and Mr.S.Sairaman, learned counsel appearing for the respondents.

5. In the considered opinion of this Court, the respondents, being the employer, is bound to pay the retirement and terminal benefits, due and payable to the petitioner on time. It is also relevant to extract the order dated 12.06.2015 made in W.A.(MD) Nos.383 to 457 of 2015, which reads as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/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. This Court, considering the submission of the learned counsel for the petitioner and without going into the merits of the case, directs the respondents to consider and dispose of the representation of the petitioner dated 02.11.2015 in the light of the above cited judgment and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

sms

To

1.Managing Director,
Tamil Nadu State Transport
Corporation (Cbe) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

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2.The General Manager,
Tamil Nadu State Transport
Corporation (Cbe) Ltd.,
Erode Region, Chennimalai Road,
Erode-638 001

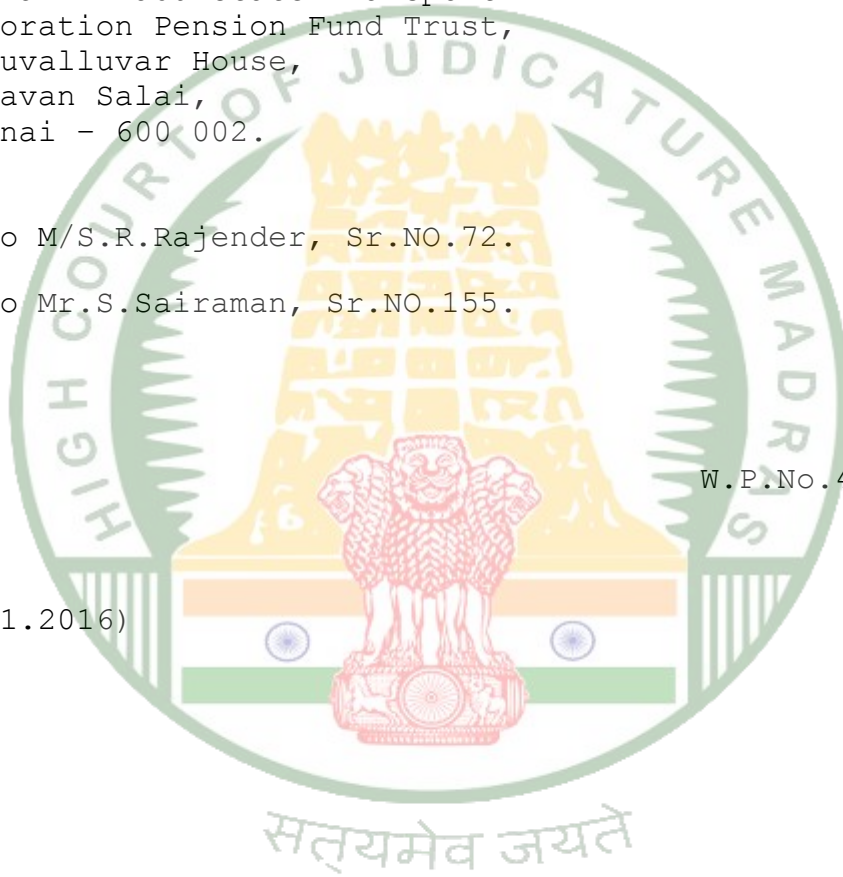
3.The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1 CC to M/S.R.Rajender, Sr.NO.72.

+1 CC to Mr.S.Sairaman, Sr.NO.155.

SKV(CO)
KP(29.01.2016)

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