

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.248 of 2016

S.M.Asokan

... Petitioner

.Vs.

1. The Managing Director,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram 605 602.
 2. The General Manager,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Vellore Region,
Vellore 632 009.
 3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar 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 Encashment, Pension arrears by calculating D.A.eligible as per newly implemented,with interest at 12% per annum with effect from 01.11.2014 within the stipulated time.

For petitioner : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivados

O R D E R

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

2. This writ petition is filed for issuance of a writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Leave Encashment, Pension arrears by

calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.11.2014.

3. According to the petitioner that he joined the service of the respondent/Transport Corporation as Fitter III on 13.02.1978 and retired from service on 31.10.2014. On the date of retirement, the petitioner was working as a Fore man. He was paid provident fund for a sum of Rs.2,14,000/-. However, the other terminal benefits of Rs.16,30,000/- was not settled by the respondent. The petitioner made representations dated 03.06.2015 and 08.10.2015 respectively, but so far, the respondents have not passed any orders. Therefore, the present writ petition has been filed.

4. Heard the submissions of Mr.J.Pradeep, learned counsel appearing for the petitioner and Mr.P.Paramasivadosh, learned counsel for the respondents, who accepts notice on behalf of the respondents.

5. The learned counsel appearing for the respondents has drawn the attention of this court to the Judgment dated 12.06.2015 in W.A.(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.

6. 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 & ORE (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 2016 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."

7. In the light of the above said Judgment, directs the respondents 1 & 2 to consider the representation of the petitioner dated 03.06.2015 and 08.10.2015 respectively, with regard to the claim of the petitioner for settlement of retirement terminal benefits and pass orders on merits and in accordance with law, 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.

The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Managing Director,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Vazhuthareddy, Villupuram 605 602.
2. The General Manager,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Vellore Region,
Vellore 632 009.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai 600 002.

+1cc to Mr.J.Pradeep, Advocate, S.R.No.675

+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.1621

W.P.No.248 of 2016

PPA(CO)

CA(09/02/2016)

<https://hcservices.ecourts.gov.in/hcservices>