

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.26304 of 2016

V.P.Rajamani

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
12, Ramakrishna Road,
Salem - 636 007.
2. 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 praying for the issuance of a Writ of Mandamus, to direct the respondents to disburse the payments relating to Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave Salary i.e. Earned leave balance as on 30.06.2016, balance dearness allowance, surrender medical leave salary upto 01.09.1998 by calculating D.A. Eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.04.2016 within stipulated time as may be fixed by this Court.

For Petitioner :Mr.I.C.Vasudevan

For Respondents :Mr.R.K.Gandhi,
Standing Counsel

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner joined the service of the Transport Corporation and he retired from service on 30.06.2016. The grievance of the petitioner is that though he retired from service on 30.06.2016, till date, he was not paid the retirement benefits. In this regard, the petitioner submitted a representation before the respondents on 19.07.2016, but, so far the respondents have not taken steps to settle the terminal benefits. Hence, the present Writ Petition has been filed by the petitioner.

3. 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. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in this Writ Petition 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 Managing Director of the Transport Corporation is

directed to disburse the aforementioned retiral benefits to the petitioner herein 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 15.11.2016.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
12, Ramakrishna Road,
Salem - 636 007.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.I.Vasudevan, Advocate Sr.42806

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srg 22/08/2016

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