

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

W.P.No.27027 of 2016

N.Gnanamani

.. Petitioner

Vs.

1. The Management
Tamilnadu State Transport
Corporation (Kovai) Limited
rep. by its Managing Director
No.37, Mettupalayam Road
Coimbatore.

2. The General Manager
T.N.S.T.C. Limited
No.37, Mettupalayam Road
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to pay the petitioner a sum of Rs.6,35,071/- towards gratuity along with leave salary and other retirement benefits at the rate of 18% per annum within the time stipulated by this Court and pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.V.Sivakumar

For Respondents: Mr.P.Kannankumar
Standing Counsel

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to pay the petitioner a sum of Rs.6,35,071/- towards gratuity along with leave salary and other retirement benefits at the rate of 18% per annum within a time frame.

3. The petitioner joined duty in the Tamil Nadu State Transport Corporation (Kovai) Limited, on 01.02.1985. On attaining the age of superannuation, the petitioner retired from service as Special Grade Conductor on 09.02.2015. The grievance of the petitioner is that, though, he retired from service on 09.02.2015, till date, he was not paid with the retirement benefits. The petitioner is a heart patient and he underwent heart surgery, by spending a huge sum of Rs.2,25,293/- towards medical treatment and therefore, explaining his plight, he has submitted a representation before the 1st respondent, on 24.06.2016, seeking to pay the retirement benefits forthwith as he has to undergo heart surgery. However, till date, the same has not been considered. Hence, the present Writ Petition.

4. Mr.V.Sivakumar, 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 petitioner 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.

5. Mr.P.Kannankumar, the learned Standing Counsel, who took notice on behalf of the respondents/Transport Corporation, would affirm that the issue involved in this case 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."

6. 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 respondents are directed to disburse the aforementioned retiral benefits to the petitioner 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. Taking note of the fact that the petitioner is a heart patient and he had underwent heart surgery by spending huge amount, it is also made clear that the first instalment shall commence from 01.10.2016.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director
Tamilnadu State Transport
Corporation (Kovai) Limited
No.37, Mettupalayam Road
Coimbatore.

2. The General Manager
T.N.S.T.C. Limited
No.37, Mettupalayam Road
Coimbatore.

+1cc to Mr.V.Sivakumar, Advocate Sr.47657

W.P.No.27027 of 2016

gj[co]
srg 06/09/2016