

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.01.2016

Coram :

The Hon'ble Mr.Justice K.KALYANASUNDARAM

W.P.No.2915 of 2016

K.G.Narayanan

..

Petitioner

Vs

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

Respondents

Writ Petitions filed under Article 226 of the Constitution of India for issue of writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity and Dearness Allowance Arrears with interest at the rate of not less than 12% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 12% per annum for the belated settlement of retirement benefits including the commuted value of pension to the petitioner payable from the date of retirement i.e. 30.9.2012 to till date of actual payment to the petitioner.

For Petitioner : Mr.M.Selvam
For Respondents : Mr.P.Paramasivados

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is that he joined the service of the respondent Corporation in the year 1981 and retired from the service on 30.09.2012. At the time of retirement, the petitioner was paid only the Provident Fund amount, however other terminal benefits were not settled. Therefore, he made a representation to the respondents on 02.01.2016. Since no order has been passed on the representation, the petitioner has come up before this court by way of the writ petition.

3. Mr.P.Paramasivadosh, 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.

4. 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."

5. In the light of the above-said judgment, respondents 1 and 2 are directed to consider the representation of the petitioner dated 02.01.2016, with regard to his claim 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.

6. The Writ Petition is disposed of accordingly. No costs.
sms

-s/d-

Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Managing Director,
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Corporation (Villupuram) Ltd.,
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Employees Post Retirement Welfare
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Chennai - 600 002.

+ 1 cc to Mr.M.Selvam, Advocate SR 5113

+ 1 cc to Mr.P.Paramasivadosh, Advocate SR 5688

ak(co)
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