

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.29481 of 2013

R.Krishnaswamy

... Petitioner

Vs.

1. Tamilnadu State Transport Corporation [Villupuram] Ltd., Rep.by its Managing Director, Vazhuthareddy, Villupuram.
2. The General Manager, Tamilnadu State Transport Corporation [Villupuram] Ltd., Kancheepuram Region, Kancheepuram.
3. The Tamilnadu State Transport Corporation Employees Pension Fund Trust, Rep. by its Administrator, Pallavan Salai, Chennai - 600 002.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the action of the respondents in not settling the petitioner terminal benefits on the ground of the pendency of I.A.37/2013 in I.D.No.556/06 and also not settling the terminal benefits even after the dismissal of the I.A. as illegal and consequently direct the respondents to pay him and settle forthwith all the terminal benefits namely the Gratuity, Provident Fund, Commuted Value of Pension, the amount payable under the Social Security Scheme, the benefits payable under the post retirement scheme, the contributions paid to IRT Medical, Engineering and Polytechnical College and also the arrears of dearness allowance, together with interest at the rate of 12% per annum, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.P.Paramasivadoss

O R D E R

This Writ Petition has been filed to issue a Writ of Declaration, to declare that the action of the respondents in not settling the petitioner terminal benefits on the ground of the pendency of I.A.37/2013 in I.D.No.556/06 and also not settling the terminal benefits even after the dismissal of the I.A. as illegal and consequently direct the respondents to pay him and settle forthwith all the terminal benefits namely the Gratuity, Provident Fund, Commuted Value of Pension, the amount payable under the Social Security Scheme, the benefits payable under the post retirement scheme, the contributions paid to IRT Medical, Engineering and Polytechnical College and also the arrears of dearness allowance, together with interest at the rate of 12% per annum, award costs.

2.The petitioner joined the service of the Transport Corporation and he retired from service long before. The grievance of the petitioner is that though, he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was filed.

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 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.

4.The learned Standing Counsel, who took notice on behalf of the respondent, 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 and General Manager of the respective Transport Corporation are 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 01.11.2016.

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

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To

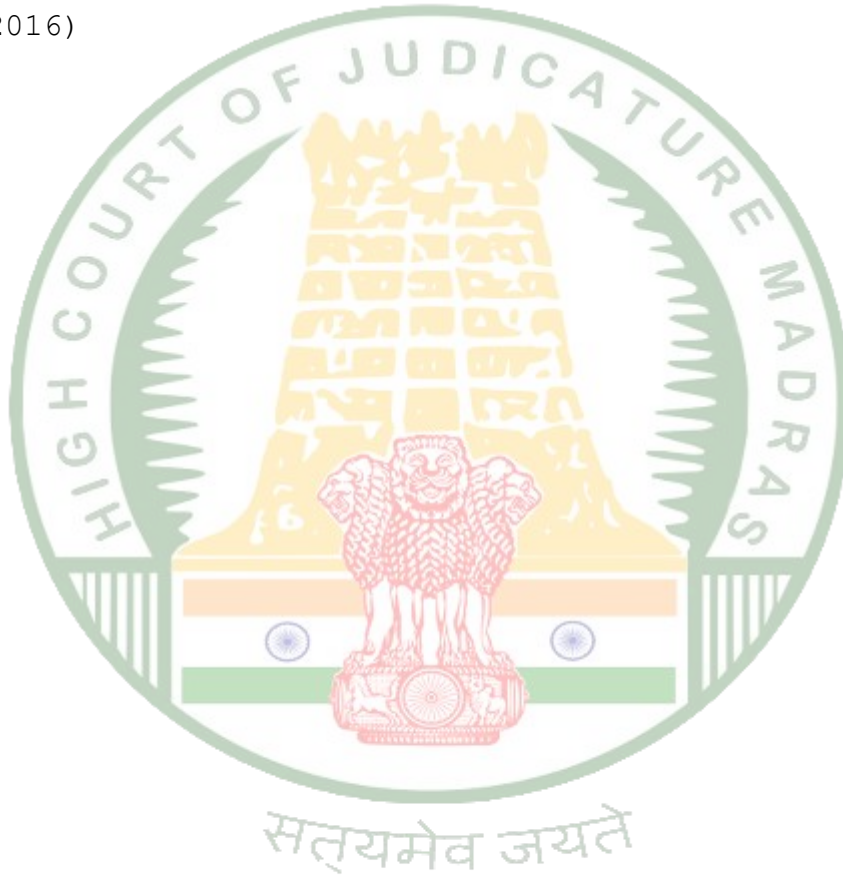
1. The Managing Director,
Tamilnadu State Transport
Corporation [Villupuram] Ltd.,
Vazhuthareddy, Villupuram.
2. The General Manager,
Tamilnadu State Transport
Corporation [Villupuram] Ltd.,
Kancheepuram Region,
Kancheepuram.

3. The Administrator,
Tamilnadu State Transport
Corporation Employees Pension Fund Trust,
Pallavan Salai, Chennai - 600 002.

+lcc to Mr.V.Ajoy Khose, Advocate, S.R.No.47774

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RSY (CO)
CA(19/09/2016)



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