

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2016

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.56 of 2016

V.Ravi

... Petitioner

- Vs -

1. The Secretary to Government,
Transport Department,
Fort St.George, Secretariat,
Chennai-600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
Valuthareddy-Post,
Villupuram-605 602.

3. The Administrator,
Tamil Nadu State Transport
Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the Respondents to settle the petitioner's retirement benefits including Leave Salary, Gratuity, Dearness Allowance arrears and all other attendant retirement benefits etc., 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, social security scheme arrears, Provident Fund, refund of Institute of Road Transport Arrears etc., to the petitioner payable from the date of retirement i.e., 31.05.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam
For 1st Respondent : Mr.M.L.Mahendran,
Government Advocate

For Respondents 2 and 3 : Mr.S.Sairaman

O R D E R

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

2. The case of the petitioner is that he was joined in the service of the Tamil Nadu State Transport Corporation Ltd., Villupuram then Thanthai Periyar Transport Corporation Ltd., Villupuram as a Senior Superintendent (Accounts) on 11.02.1985 and retired from service on 31.05.2014.

3. The petitioner would state that he is entitled for terminal benefits of Rs.26,25,000/-. On the date of his retirement on 31.05.2014, he was paid only a sum of Rs.6,35,000/- being provident fund amount and the balance retirement benefits were not given to the petitioner. Therefore, he sent a representation to the respondent on 22.12.2015, but, no order has been passed sofar. Hence, the present writ petition has been filed.

4. Heard the submissions of Mr.M.Selvam, learned counsel appearing for the petitioner, Mr.M.L.Mahendran, learned Government Advocate appearing for the 1st respondent and Mr.S.Sairaman, learned counsel appearing for the respondents 2 and 3.

5. In the considered opinion of this Court, the respondents, being the employer, is bound to pay the retirement and terminal benefits, due and payable to the petitioner on time. It is also relevant to extract the order dated 12.06.2015 made in **W.A. (MD) Nos.383 to 457 of 2015**, which reads as follows:-

" The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/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. UTTA 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."

6. Though the petitioner has sought for larger relief, this Court, in the light of the above facts and circumstances, directs the respondents concerned to consider the representation of the petitioner, dated 22.12.2015, in the light of the above cited judgment and pass orders within a period of four 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Transport Department,
Fort St.George, Secretariat,
Chennai-600 009.

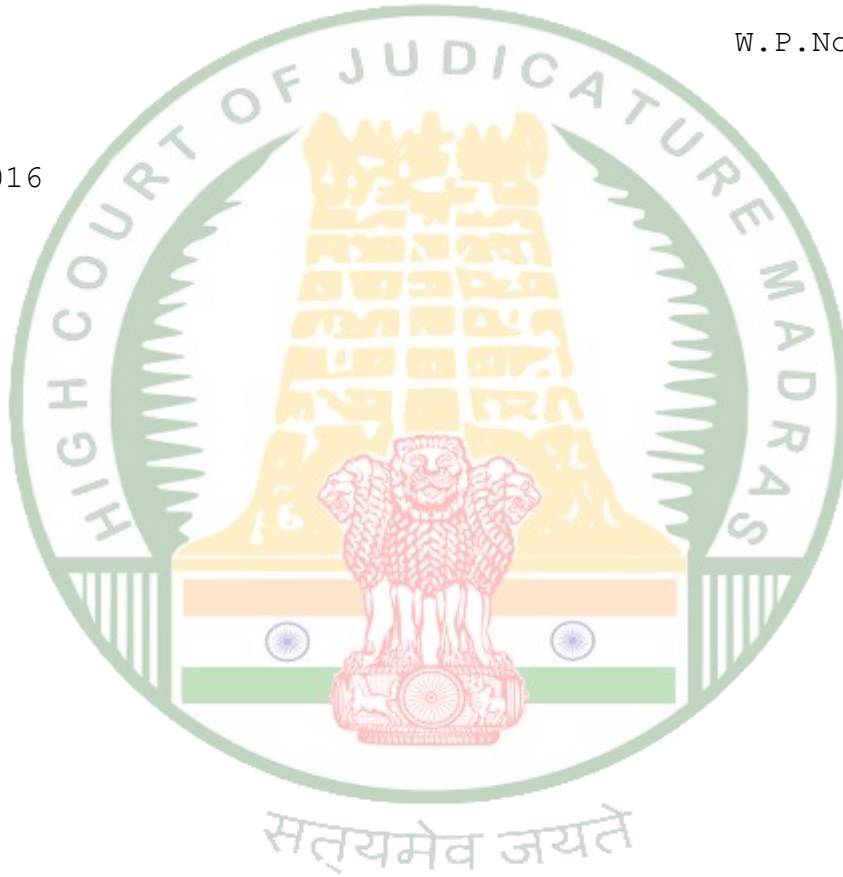
2. The Managing Director,
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Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1 cc to Mr.S.Sairaman Advocate sr.1256
+1 cc to M/S.T.Pappaiah Dharmarajan Advocate sr.336
+1 cc to Government Pleader sr.620

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