

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P.Nos.619 and 620 of 2016

K.Sundaramoorthy
A.P.Ayyappan

.. Petitioner in WP.619/2016
.. Petitioner in WP.620/2016

Vs.

- 1 The Managing Director
Tamilnadu State Transport Corporation
Villupuram Ltd. 3/137, Salamedu
Valudhareddy Post
Villupuram-605 602.
 - 2 The General Manager
Tamilnadu State Transport Corporation
[Villupuram] Ltd. Vellore Region
Vellore-632 009.
 - 3 The Administrator
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvallur House Pallavan Salai
Chennai-600 002
- ... Respondents in both WPs

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to disburse the payments relating to gratuity, commutation, leave liabilities arrears etc. with interest.

For Petitioner : Mr.D.Rajagopal
in both WPs

For Respondents : Mr.P.Kannan Kumar
in both WPs

C O M M O N O R D E R

By consent, all these writ petitions are taken up for disposal at the admission stage itself.

2. The case of the petitioners is that they worked as Senior Superintendent in Secretariat Section in Tamil Nadu State Transport Corporation [Villupuram Ltd.] Vellore Region, and retired from the services on 31.05.2015. At the time of retirement, the petitioners were paid only the Provident Fund amount of Rs.4,85,351/- and Rs.2,76,979/- respectively. However, other terminal benefits were not settled. Therefore, they made representations to the 1st respondent on 03.12.2015. Since no orders have been passed on the representations, the petitioners have come up before this court by way of these writ petitions.

3. The learned counsel for the petitioner 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 11.06.2015 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 Hon'ble 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, the respondents are directed to consider the representation of the petitioners dated 03.12.2015, with regard to their 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.

The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director
Tamilnadu State Transport Corporation
Villupuram Ltd. 3/137, Salamedu
Valudhareddy Post
Villupuram-605 602.
- 2 The General Manager
Tamilnadu State Transport Corporation
[Villupuram] Ltd. Vellore Region
Vellore-632 009.
- 3 The Administrator
Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvallur House Pallavan Salai
Chennai-600 002.

+2cc to Mr.D.Rajagopal, Advocate, S.R.No.1440 & 1445

W.P.Nos.619 and 620 of 2016

msm(CO)
srg(03/02/2016)

WEB COPY