

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P.No.700 of 2016

S.Shamickan

.. Petitioner

Vs.

1.The Management of Tamil Nadu State Transport Corporation [Kovai] Ltd., Coimbatore Region, Rep. by its General Manager, Coimbatore.

2.The Administrator, Tamil Nadu State Transport Corporation Employees' Pension Fund Trust, Thiruvalluvar Illam, Anna Salai, Chennai-2.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1<sup>st</sup> respondent to pay the petitioner Rs.5,31,085/- towards Gratuity, Rs.2,61,840/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.12.14 payable pursuant new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay the petitioner Rs.2,39,578/- towards the pension Commutation amount and arrears of pension for the period 01.01.15 by revising my pension, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.V.Ajay Khose  
For Respondents : Mr.P.Kannan Kumar

O R D E R

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

2. The case of the petitioner is that he joined the services of the 1<sup>st</sup> respondent corporation as Security Guard on 25.11.1985. After completion of more than 29 years of service, he was retired from service on 31.12.2014 as Special Grade Security Guard. At the time of superannuation, the retirement benefits including pension and DCRG etc., were not settled, the petitioner submitted a representation to the 1<sup>st</sup> respondent on 24.12.2015. Since, no orders has been passed on the representation, the petitioner has come up before this court by way of this writ petition.

3. Mr.P.Kannan Kumar, 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 11.06.2015 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 7<sup>th</sup> 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 petitioner dated 24.12.2015, with regard to the 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 petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The General Manager,  
Tamil Nadu State Transport Corporation [Kovai] Ltd.,  
Coimbatore Region, Coimbatore.

2.The Administrator,  
Tamil Nadu State Transport Corporation  
Employees' Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai, Chennai-2.

W.P.No.700 of 2016

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srg(08/02/2016)

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