

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9722 of 2016

M.Sangara Vadivelu
S/o.K.M.Manickam

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Villupuram Region,
Trichy Main Road,
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 disburse the payments relating to Gratuity, Commutation, Leave Encashment by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.12.2014 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents: Mr.P.Paramasiva doss

O R D E R

By consent, the Writ Petition itself is taken up for final disposal.

2. The petitioner would state that he retired from the service of the respondent Corporation as a Special Grade Security Guard on 30.11.2014 and though he was paid with the Provident Fund amount, the following other terminal benefits are due and payable to him:

(i) Gratuity	:	Rs.4,75,000/-
(ii) Pension Commutation	:	Rs.3,25,000/-
(iii) Leave Encashment	:	Rs.2,75,000/-

		Rs.10,75,000/-

Since the said amounts have not been settled, the petitioner has submitted a representation to the respondents to disburse the above said retirement benefits. Since no action has been taken on his representation, the petitioner has filed the present writ petition.

3. Learned counsel appearing for the petitioner would submit that the petitioner is suffering financially and needs money very urgently to meet out the medical expenses and for educational expenses of his children and in similar facts and circumstances, this Court, by order dated 09.07.2015 in W.P.No.20351 of 2015, has directed the respondents to settle the terminal benefits within a stipulated time by placing reliance upon the judgment reported in 2009(3) MLJ 1 (Government of Tamil Nadu represented by the Secretary to Government V. M.Deivasigamani) and prays for appropriate orders.

4. Per contra, learned Standing 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.

5. This Court heard the rival submissions of both sides and perused the materials placed before this Court.

6. 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."

7. In such view of the matter, the respondents are directed to pay the retirement benefits of the petitioner in the light of the judgment of the Division Bench passed in W.A.(MD)Nos.383 to 457 of 2015 commencing from April 2016 through twelve equal monthly instalments carrying interest at 6% p.a. The instalments should be paid on or before 7th of every month. In case of any delay in 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 petitioner for such non-payment of the instalments.

The Writ Petition is disposed of with the above direction. No costs.

gm

-s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
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+ 1 cc to Mr.J.Pradeep, Advocate SR 16737

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