



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2016

CORAM:

THE HONOURABLE Mr.JUSTICE T.RAJA

WEB COPY

W.P(MD)Nos.10259 to 10262 of 2016

1.D.Venkataraju	... Petitioner in WP.10259/2016
2.N.Manikandan	... Petitioner in WP.10260/2016
3.V.Chellappa	... Petitioner in WP.10261/2016
4.S.Manuvel	... Petitioner in WP.10262/2016

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai - 625 016.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul - 4.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Pallavan Salai, Chennai - 2. ... Respondents in all Wps.

PRAYER IN WP(MD)No.10259/2016: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to settle the Terminal Benefits such as Surrender Leave Salary and Unpaid in service Leave Salary for 43 days along with 18% interest within the stipulated period.

PRAYER IN WP(MD)No.10260/2016: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent, to settle the Gratuity, balance of Commutation of Pension and Surrender Leave Salary along with 18% interest and to pay interest on the belated payment of balance of Commutation of Pension within the stipulated period.

PRAYER IN WP(MD)No.10261/2016: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to settle the Terminal Benefits such as Gratuity, Commutation, Leave Salary while in service for four years, Arrears of Pension for three months and Surrender Leave Salary along with 18% interest within the stipulated period.

PRAYER IN WP(MD)No.10262/2016: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of



Mandamus directing the respondent, to settle the Terminal Benefits such as Gratuity, Commutation, Unpaid Leave Salary while in service for four years and Surrender Leave Salary along with 18% interest within the stipulated period.

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For Petitioners : Mr.S.Govindan
For Respondents : Mr.A.P.Muthupandian

COMMON ORDER

The petitioners were lastly employed as Senior Assistant, Special Grade Driver, Special Grade Driving Instructor and Senior Grade Trades Man in the respondents Transport Corporation and they retired from service on 31.05.2012, 31.12.2013, 30.11.2014 and 31.07.2014 respectively.

2.They have filed the writ petitions seeking for a direction to the respondents to pay the retirement benefits.

3.When the matters are taken up for hearing, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.

4.For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, 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 installments, 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 installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

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5.Following the judgment of the Hon'ble Division Bench of



this Court referred to above, the respondents are directed to pay the amount due to the petitioners in 12 equal monthly installments commencing from 10th July, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable could be 18% for the delayed period.

6.The aforesaid direction to settle the terminal benefits would not preclude the workmen to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law, if they are entitled to.

7.The learned counsel for the respondents/Transport Corporation says that against certain employees, there are recoveries from them. So, the above payment may be made subject to recoveries, if any from the employees. The petitioners are also agreeable for the same.

8.With the above direction, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Byepass Road, Madurai - 625 016.
- 2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, Dindigul - 4.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust, Pallavan Salai, Chennai - 2.

+4 cc's to M/s.S.Govindan, Advocate in SR.Nos.29306 to 29309

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