



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD) .No.10345 of 2016

S.Selvaraj

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Ltd,
Mettupalayam Road,Coimbatore-641 043.

2.The General Manager
Tamil Nadu State Transport Corporation (CBE) Ltd,
Erode Division, Sennimalai Road,
Erode-638 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents by considering the Petitioner's representation dated 29.04.2016 to release his "terminal benefits" with interest 1.Gratuity, 2.Earn Leave surrender amount 3.DA Arrears 4.Commutation and other pay settlement benefit amount.

For petitioner : Mr.C.Masilamani

For Respondents : Mr.K.Sathiyasingh

ORDER

Mr.S.Selvaraj, who was appointed on 10.11.1977, said to have retired on reaching superannuation, as Senior Checking Inspector, on 27.06.2014, has come to this Court, seeking his retirement benefits.

2. The case of the petitioner is that, though the petitioner has sent a representation as early as 29.04.2016, the same has not been considered by the respondents sofar.

<https://hcservices.ecourts.gov.in/hcservices/> the affidavit filed in support of this Writ Petition repeatedly it states that the petitioner was permitted to



retire from service on 27.06.2014 without any blemish. Therefore, the respondents may not have any difficulty to settle the terminal benefits to the petitioner.

4. At this juncture, 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 representation of the petitioner, dated 29.04.2016, in the light of the judgment passed by the Honourable Division Bench.

4.A. 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"

5. Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to consider his representation dated 29.04.2016 and pay the amount due to the petitioner 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 workman to question the services rendered by any of the terminal benefits, if the same is paid lesser than the amount to which, he is entitled to receive. Likewise, if the petitioner has any grievance that he is entitled



to interest for the amount already settled, he can agitate the same as per law, if he is 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 petitioner is also agreeable for the same.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Ltd,
Mettupalayam Road,Coimbatore-641 043.

2.The General Manager
Tamil Nadu State Transport Corporation (CBE) Ltd,
Erode Division, Sennimalai Road,
Erode-638 001.

+One cc to M/s.C.Masilamani, Advocate, SR.No.30622
+One cc to M.s.K.Sathyasingh, Advocate, SR.No.29746
ssm
RL/5C/2P/SKS/RR/20/6/2016

W.P(MD).No.10345 of 2016
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