



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.10815 to 10817 of 2016

W.P. (MD) .No.10815 of 2016

P.Shanmugam

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
rep.by its Managing Director,
Tirunelveli Region, Tirunelveli-627 001.

2.The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli Region, Tirunelveli.

3.The Administrator,
The Tamil Nadu State Transport Corporation Pension
Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation of Pension, Earned Leave Wages and Dearness Allowance payable to him along with monthly pension as per the settlement dated 01.09.2013 U/S 12(3) of ID Act with reasonable rate of interest within the time.

W.P. (MD) .Nos.10816 and 10817 of 2016

K.Subbaraj

... Petitioner in W.P.(MD).No.10816 of 2016

R.Jeyabalan

<https://hcservices.ecourts.gov.in/hcservices/> ... Petitioner in W.P.(MD).No.10817 of 2016



Vs.

1.The Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd,
rep.by its Managing Director,
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2.The General Manager,
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(Tirunelveli) Ltd,
Tirunelveli Region, Tirunelveli.

3.The Administrator,
The Tamil Nadu State Transport Corporation Pension
Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents in both WPs

Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writs of Mandamus directing the respondents to settle the petitioner's retirement benefits including provident fund, Gratuity, Commutation of Pension, Earned Leave Wages and Dearness Allowance payable to them along with monthly pension with reasonable rate of interest.

For Petitioners :Mr.G.M.Xavier
For Respondents :Mr.K.Sathiya Singh

COMMON ORDER

Since the issue involved in all the Writ Petitions are one and the same, they are taken up together and decided by this common order.

2. All the petitioners herein were the employees of the respondent Transport Corporation. Seeking disbursal of their retirement benefits, they have preferred the present Writ Petitions.

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 Division Bench.



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

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"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 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 would 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. At this juncture, the learned Standing Counsel for the respondents/Transport Corporation says that against certain employees, there are recoveries pending. So, the above payment may be made subject to recoveries, if any, from the employees. The



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

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/True copy/

Sd/-

Assistant Registrar(CS II)

Sub Assistant Registrar

To

- 1.The Managing Director,
The Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd, Tirunelveli Region,
Tirunelveli.
- 2.The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd,
Tirunelveli Region, Tirunelveli.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation Pension
Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+3cc to Mr.G.M.Xavier, Advocate SR.No.31920,31921,31922

+3cc to Mr.K.Sathiya Singh, Advocate SR.No.31821,31822,31823

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