



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

W.P(MD)No.19241 of 2016

and

W.M.P. (MD) .No.13888 of 2016

P.Mariadhasan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary,
Department of Transport,
Fort St. George,
Chennai - 600 009.

2.The Administrator,
Tamil Nadu State Transport Employees,
Pension Fund Trust, Thiruvalluvar Illam,
(Tirunelveli) Ltd, Vannarapettain,
Tirunelveli District - 627 003.

3.The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd, Vannarapettai,
Tirunelveli District - 627 003.

4.The Chief Accounts Officer,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd, Tirunelveli District.

5.The General Manager,
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd, Nagercoil Zone,
Ranithottam, Nesamani Nagar,
Nagercoil - 629 001, Kanyakumari District.

6.The Assistant Manager (Accounts),
Tamil Nadu State Transport Corporation,
(Tirunelveli) Ltd, Nagercoil - 629 001,
Kanyakumari District.

... Respondents



directing the respondents to disburse forthwith the retirement benefits such as Pension, Gratuity, Earned Leave Surrender for 116 days, Dearness Allowance arrears, increment dues w.e.f. 01.11.2013, on the basis of New Pay settlement, which the petitioner is legally entitled with interest.

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For Petitioner : Mr.T.Cibi Chakraborty

For 1st respondent : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

For respondents 2 to 6 : Mr.K.Sathiya Singh

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to settle his retirement benefits such as Pension, Gratuity, Earned Leave Surrender, Dearness Allowance arrears, etc.

2.The learned counsel for the petitioner would submit that in similar matters, a Division Bench of this Court has passed a judgment in W.A.(MD).Nos.383 to 457 of 2015, dated 12.06.2015, directing the Corporation to settle the dues on certain terms. He would submit that the similar order may be passed.

3.In W.A.(MD).Nos.383 to 457 of 2015, the Division Bench of this Court has held as follows;

"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.



4.The writ appeals are disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed."

4.The learned counsel for the respondents agreed to go by the direction issued by the Division Bench in W.A.(MD).Nos.383 to 457 of 2015.

5.In view of the above, without going into the merits of the claim of the petitioner, the Writ Petition is disposed of in terms of the aforesaid directions issued by the Division Bench. Accordingly, the first installment shall commence from December, 2016 onwards and the entire terminal benefits shall be paid in 12 equal monthly installments, as per the aforesaid direction with 6% p.a. interest for the delayed settlement. It is also made clear that if there is any delay in paying the installments, the interest payable would become 18% p.a. for the delayed period. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Secretary,
Department of Transport,
Fort St. George,
Chennai - 600 009.

+1 cc to MR.K.SATHIYA SINGH, Advocate SR.No.59931

+1 cc to MR.T.CIBI CHAKRABORTHY, Advocate SR.No.59984

ORDER MADE IN
W.P(MD)No.19241 of 2016
06.10.2016

SMA/GSV-PM/03.11.2016:3P/4C