



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2016

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

Writ Petition (MD) No.4829 of 2016

K.Krishnan

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Rep by its Managing Director,
Kumbakonam,
Thanjavur District.

2.The General Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Karaikudi Region,
Sivagangai District.

3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavansalai, Chennai 600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant the petitioner 4th and 5th review benefit and to revise petitioners pay in the post of Checking Inspector with retrospective effect from 01.09.2010 in terms of Government Order in G.O.Ms.No.61 Transport (C) Department dated 30.04.2015 and as per settlement dated 22.01.2011 and further directing the Respondents to pay the difference amount in petitioner's salary and to pay difference in petitioners retirement benefits including difference amount in monthly pension, gratuity, leave salary, commuted value of pension and all other attendant benefits payable to petitioner from 01.10.2011 to till date together with interest at the rate of 18% per annum.

For Petitioner

: Mr.B.Santhanam Rajeshkumar

For Respondent

: Mr.D.Sivaraman,
Standing Counsel.**ORDER**<https://hcservices.ecourts.gov.in/hcservices/>

The prayer in the writ petition is for the issue of a writ of mandamus to direct the respondents to pay retirement



benefits with interest to the petitioner.

2.It is stated that though the petitioner was allowed to retire from the service of the respondents, till date the respondent Corporation has not settled the retirement benefits. Hence, the petitioner has given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the said representation, the petitioner has come up with the above writ petition.

3.When the matter is taken up for hearing, Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents has submitted that the issue is covered by a judgment, passed by the Honourable Division Bench 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 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 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 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 petitioner in 12 equal installments commencing from 10th April 2016. 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 computation of 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.With the above direction, the writ petition is disposed of. No costs.

Sd/

10.03.2016

For Being Mentioned

This petition having posted on this day under the caption "For Being Mentioned". In pursuance to the order of this Court dt.10.03.2016 and made herein in the presence of the abovesaid Advocate, this Court made the following order:-

The matter is posted today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner stating that the entire order has been typed wrongly.

2.In view of the said submission, the order passed on 10.03.2016 is recalled and the following order is passed.

"Though the prayer in the writ petition is widely worded, learned counsel appearing for the petitioner has submitted that the petitioner will be satisfied, if his representation dated 26.01.2016 is disposed of by the first respondent in the light of G.O.Ms.No.61, Transport (C) Department dated 30.04.2015 and Clause 1 of the Settlement, dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947.

2.In view of the limited prayer made, a direction is issued to the first respondent to dispose of the representation referred to above by taking into account G.O.Ms.No.61, Transport (C) Department dated 30.04.2015 and Clause 1 of the Settlement, dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947, within a period of eight weeks from the date of receipt of a copy of this order.

3.This writ petition is disposed of with the above direction. No costs".

Sd/-

Assistant Registrar(P & A)

***For being mentioned the order is corrected as per the order of this court dt.29.03.2016**



To

(To be Substituted for the order already despatched)

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd., Kumbakonam,
Thanjavur District.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Karaikudi Region,
Sivagangai District.
- 3.The Administrator,
The Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavansalai, Chennai 600 002.

+1cc to Mr.B.Santhanam rajesh, Advocate Sr.No. 17761

+1cc to Mr.D.Sivaraman, Advocate Sr.No.13495

sms

AA/SKS-RR/18/04/2016/4p-6c

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