

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4010 of 2017

V.Rajendran

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy - Post,
Villupuram - 605 602.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioner's terminal benefits after to extend the benefits to pay revision in terms of settlement with enhanced dearness allowance and to pay gratuity, pension DA arrears, pension commutation, settlement arrears, subscription amount of Engineering and Medical College, Social security scheme, Retirement benefits scheme and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.05.2016 the date of retirement to till the date of settlement of the terminal benefits to petitioner in the light of the common order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner :	M/s.Vijay and Anandh
For Respondents:	Mr.P.Sanjai Gandhi, Additional Government Pleader (R1) Mr.R.Kannan Kumar (R2 & R3)

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner was appointed to the post of Conductor on 21.01.1984 in the services of erstwhile Pattukottai Azhagiri Transport Corporation Limited, Vellore, after merger and amalgamation, now the Tamil Nadu State Transport Corporation Limited, Villupuram. The petitioner, after rendering 32 years of service as Conductor [Staff No.60949], on 31.05.2016 retired from service. The grievance expressed by the petitioner is that despite retirement, the terminal benefits such as gratuity, pension DA arrears, settlement arrears, pension commutation, subscription amount of Engineering and Medical College, Social security scheme and retirement benefits scheme have not been settled and in this regard, he also submitted representations on 14.06.2016 and 01.02.2017 to the respondents and despite receipt and acknowledgment, so far, no orders have been passed and therefore, has come forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the common judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others] and would submit that in similar facts and circumstances, a Division Bench of this Court has directed settlement of terminal benefits, in 12 equal monthly installments, with interest at the rate of 6% per annum and for default, interest at the rate of 18% per annum and prays for similar orders.

4.Heard the submissions of the learned counsel appearing for the petitioner, Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice for the 1st respondent and Mr.R.Kannan Kumar, who accepts notice for the respondents 2 & 3.

5.It is relevant to extract the orders passed in W.A.No. (MD)Nos.383 to 457 of 2015:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/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. Utta Haryana Bujli Vitran Nigam Limited & Ors [2014 (e) 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 instalments to be paid from July 2015 and each instalments 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."

6. In the light of the above facts and circumstances, this Court directs the respondents to settle the retirement/terminal benefits due and payable to the petitioner in 12 equal monthly installments and the 1st installment shall commence from May 2017 payable with interest at the rate of 6% per annum and for default, interest at the rate of 18% per annum. The Administrative Department shall ensure that there is no default as to the compliance of the orders passed by this Court in this regard. It is also made clear that neither the Transport Corporation nor the Administrative Department shall drive the retired employees to approach this Court for similar relief and in the light of the fact that the above orders equally binds them shall make every endeavour to pass similar orders at least on the date of retirement of the employees. It is further made clear that the non compliance of the order passed by this Court may visit the concerned respondents with grave consequences by way of contempt proceedings.

7. The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Principal Secretary,
Government of Tamil Nadu,
Transport Department, Secretariat,
Fort St.George, Chennai - 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy - Post, Villupuram - 605 602.

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

+2 CC to Mr.R.Kannan Kumar, Advocate Sr.No.10764

+1 CC to M/s.Vijay and Anandh, Advocate Sr.No.10469

+1 CC to Government Pleader, High Court, Chennai Sr.No.10726

W.P.No.4010 of 2017

AK(CO)
KP(07.03.2017)

सत्यमेव जयते

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