

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4067 of 2017

K.Narasiman

.. Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Villupuram Kottam,
Saalamedu, Valutha Reddy,
Villupuram District.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to settle the entire retirement benefits of the petitioner i.e., gratuity, leave encashment, commutation, SSS fund, dearness allowance and arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.07.2016 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.08.2016 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Ms.S.A.Mahisha Kirthika

For Respondent : Mr.P.Kannan Kumar
Standing Counsel for
Transport Corporation.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondent.

2. The petitioner has joined the service of the respondent Corporation on 29.12.1991 as a Driver and after putting 25 years

of service, he retired from service on 31.07.2016 as Special Grade Driver (Staff No.42598). The grievance expressed by the petitioner is that the retirement/terminal benefits such as Gratuity, commutation, leave encashment, 12(3) settlement, dearness allowance and other attendant benefits have not been conferred upon him. In this regard, he had submitted a representation to the respondent dated 02.01.2017 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submission of Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondent.

4. The Division Bench of this Court in Writ Appeal[MD] No.383 to 457/2015 [K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation, Madurai Limited rep. by the Managing Director, Madurai-10 and others] has considered the similar issue and by a common judgment dated 12.06.2015, has passed the following order.

"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 (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 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."

5. In the light of the above facts and circumstances, the respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June 2017 with interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The respondent, apart from paying

arrears of pension, shall also continue to pay the monthly pension amount to the petitioner in time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

sd/
Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

vsi

To

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Villupuram Kottam,
Saalamedu, Valutha Reddy,
Villupuram District.

+1cc to Mr.S.A.Mahisha Kirthika, Advocate SR.No.10569

+1cc to Mr.P.Kannan Kumar, Advocate Sr.No.11351

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PA(CO)
GN(07/03/2017)



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