

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.407/2017

C.Shanmuga Achari

..Petitioner

Vs

- 1.The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
- 2.The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Dharmapuri-636705.
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai
Chennai -600 002.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & Old Medical Leave), Leave Surrender amount while in service, ERBS amount, D.A. Arrears and all other attendant benefits by calculating D.A.eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.09.2016 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.K.Venkataramani, AAG
assisted by Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined the services of the erstwhile Annai Sathya Transport Corporation, Dharmapuri, as a Conductor on 10.06.1987 and after merger and amalgamation, it became the Tamil Nadu State Transport Corporation, Salem Limited and at the time of his retirement on 31.08.2012, the petitioner was working as Selection Grade Senior Conductor and was drawing salary of Rs.23935/-. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Gratuity, Leave Encashment [Earned and Old Medical leave] ; Leave Surrender amount while in service ; ERBS amount and DA arrears etc., the same have not been paid and in this regard, he had submitted a representation to the respondent dated 14.12.2015 and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3. The learned counsel appearing for the petitioner would submit that a similar issue arose for consideration before a Division Bench of this Court in WA[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] and the Division Bench, vide judgment dated 12.06.2015, has ordered the amounts to be paid in twelve equal monthly instalments with an interest @ 6% per annum and also with a default interest and prays for similar orders.

4. Heard the submissions of Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

5. This Court has taken into consideration the said judgment and also the stand of the respondents including the Administrative Department in its order dated 19.01.2017 made in WP.No.42555/2016 [A.Annamalai Vs. The Managing Director, Tamil Nadu State Transport Corporation Limited, Salem and others] and issued necessary directions and for the purpose of disposal of the cases, it is relevant to extract the common judgment made in the above cited writ appeal :-

"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, the 1st respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June, 2017 bearing interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The 1st respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

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

Sd/-

Asst.Registrar (CO)

/true copy/

सत्यमेव जयते Sub Asst. Registrar

To

1.The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited, No.12, Ramakrishna Road,
Salem-636 007.

2.The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited, Dharmapuri Region,
Dharmapuri-636705.

3.The Administrator

Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai
Chennai -600 002.

+1cc to J. Pradeep, Advocate in Sr. 11690

+1cc to P. Kannan Kumar, Advocate in Sr. 12051

W.P.No.407/2017

SS(co)

VR(15/03/2017)



WEB COPY