

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.3010/2017

- 1.T.Jayamani
- 2.T.Sivasakthi
- 3.Jayasakthi
- 4.Pachaiyammal

... Petitioners

Versus

- 1.The Secretary
Government of Tamil Nadu
Transport Department
Secretariat, St George Fort,
Chennai 600009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
[Salem] Limited, No.12, Ramakrishnan Road
Salem 636 007.
- 3.The General Manager
Tamil Nadu State Transport Corporation
[Salem] Limited, No.12, Ramakrishnan Road
Salem 636 007.
- 4.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai
Chennai 600002.

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to settle the petitioners benefits including Gratuity Provident Fund Commutation Labour Welfare Fund 1 year pension EL Leave Surrender Salary ML Credit ERBS Pension Arrears Pension DA Arrears Medical College fund and IRT fund and Interest for belated Settlement of Provident fund Gratuity Commutation and Labour Welfare Fund and in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of the death of P.Thangaraj and consequently directing the respondents to pay interest at the rate of 18% per annum for the

belated settlement of benefits to the petitioner payable from the date of death of P.Thangaraj i.e.25.9.2015 to till date of actual payment to the petitioner within the time that may be stipulated time.

For Petitioners: Mr.M.Selvam

For R1 : Mr.K.Dhananjayan, Spl.GP

For R2&R3 : Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.R.K.Gandhi, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3.

2 The petitioners are the legal heirs of [late] Thiru.P.Thangavel, and he joined the services of the 2nd respondent / Corporation as a Conductor on 14.09.1990 and was working in Sankari Branch and he died in harness on 25.09.2015 and at that time, he was working as Selection Grade Conductor and was drawing salary of Rs.31,438/-. The 1st petitioner is the wife of the deceased and she was paid with a sum of Rs.1,45,000/- towards Social Welfare Fund and other terminal/retiral benefits like Commutation, Labour Welfare Fund, 1 year pension, EL Leave Surrender salary, ML Credit, ERBS Pension arrears, Pension DA Arrears, Medical College Fund and IRT Fund and interest for belated Settlement of Provident Fund, Gratuity, Commutation and Labour Welfare Fund have not been paid and in this regard, the petitioners have submitted a representation date 27.09.2016 to the respondents 1 and 2 and despite receipt and acknowledgment, no orders have been passed and therefore, the petitioners came forward to file the present writ petition.

3 The learned counsel appearing for the petitioners 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.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.R.K.Gandhi, learned Standing counsel appearing for the respondents 2 and 3.

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 2nd respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 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 2nd 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/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AP
To

- 1.The Secretary
Government of Tamil Nadu
Transport Department
Secretariat, St George Fort, Chennai 600009.
- 2.The Managing Director,
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Scheme, Thiruvalluvar House, Pallavan Salai
Chennai 600002.

+1cc to Mr.M.Selvam, Advocate Sr.7772
+1cc to the Government Pleader Sr.8152

sv[co]
srg 23/2/2017

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