

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.03.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.5167 of 2017

R.Palani

..Petitioner

Vs

1. The Principal Secretary to Government,
Transport Department,
Fort.St. George,
Chennai - 600 009
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd,
Pallavan Salai,
Chennai - 600 002
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar-House,
Pallavan Sali,
Chennai - 600 002

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd and 3rd respondents to disburse the retirement benefits viz., Earned Leave Surrender Salary Amount of Rs.2,35,000/- Pension Commutation Difference Amount of Rs.11,000/- and Gratuity Difference Amount of Rs.30,000/-, the total comes to Rs.2,76,000/- (Rupees two lakhs Seventy Six Thousand only) with 18% interest on delayed payment to the petitioner the Assistant Foreman Staff No.A12231 who has retired from service on 31.07.2013.

For Petitioner : Mr.D. Veerasekaran

For R.1 : Ms.M.E. Raniselvam
AGP

For R.2 and R.3: Mr.P. Kannan Kumar
Standing Counsel

ORDER

By consent, the writ petition is taken up for final disposals. Ms.M.E.Raniselvam learned Additional Government pleader accepts notice on behalf of the first respondent and Mr.P. Kannan Kumar, learned Standing Counsel accepts notice on behalf of the second and third respondents.

2. The petitioner joined the services of the Pallavan Transport Corporation as a Mazdoor on 01.05.1977. In pursuant to the amalgamation and merger, it became Metropolitan State Transport Corporation and the service of the petitioner got absorbed in that Corporation. He was upgraded as Assistant Foreman on 01.11.2009 and after putting in 36 years of service, he retired from service on 31.07.2013. According to the petitioner, though he retired from service, the terminal/retirement benefits have not been conferred on him. The petitioner is entitled to terminal / retirement benefits such as EL surrender salary, Gratuity Difference Amount, Commutation Difference Amount. Hence, he came forward to file the present writ petition.

3. Heard the submissions of learned counsel for the petitioner and Ms.M.E.Raniselvam learned Additional Government Pleader appearing for the first respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

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. Uta 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 2nd 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 2nd respondent, apart from paying arrears of pension, shall also continue to pay the monthly pension amount to the petitioner on time without any default.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
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+1 cc to M/s.D.Veerasekaran Advocate sr 13309
+1 cc to the Government Pleader sr 13556
+1 cc to M/s.P.KannanKumar Advocate sr 13502

W.P.No.5167 2017

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