

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7180 of 2017

W.Gurusamy

.. Petitioner

-vs-

1. State Express Transport
Corporation Limited
rep.by its Managing Director
2, Pallavan Salai
Chennai 600 002

2. Tamil Nadu Transport Corporation
Employees Pension Fund Trust
rep.by its Administrator
Pallavan Salai
Chennai 600 002

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the petitioner backwages and all other attendant benefits from the date of dismissal to the date of superannuation by taking as if he continued in service during that period and also to settle him forthwith all terminal benefits such as Provident Fund, Gratuity, Commuted Value of Pension, monthly Pension payable under the TNSTCE Pension Scheme and Post Retirement Scheme with effect from 1.6.2013 with arrears and other consequential benefits and also to pay him all other service / terminal benefits together with interest at the rate of 12%.

For Petitioner :: Mr.V.Ajoy Khose

For Respondents :: Mr.P.Paramasivados

ORDER

The petitioner has filed this writ petition seeking the following prayer:-

"To issue a Writ of Mandamus, directing the respondents to pay the petitioner backwages and all other attendant benefits from the date of dismissal to the date of superannuation by taking as if he continued in service during that period and also to settle him forthwith all terminal benefits such as Provident Fund, Gratuity, Commuted Value of Pension, monthly Pension payable under the TNSTCE Pension Scheme and Post Retirement Scheme with effect from 1.6.2013 with arrears and other consequential benefits and also to pay him all other service / terminal benefits together with interest at the rate of 12%."

2. Mr.P.Paramasivados, learned standing counsel takes notice on behalf of the respondents.

3. According to the petitioner, he was dismissed from service, on being found guilty of the charge of rash and negligent driving in the domestic enquiry. When the first respondent filed an application under Section 33(2)(b) of the Industrial Disputes Act before the Special Deputy Commissioner of Labour in A.P.No.373 of 2011 seeking approval of the order of termination, the said approval petition was dismissed by the authority on 28.5.2014 and the said order has attained finality. In the meanwhile, the petitioner also retired from service on reaching the age of superannuation on 30.5.2013. Therefore, the petitioner is said to have given a representation to the respondents seeking for payment of backwages as well as terminal benefits. Since the same has not been considered, he has been advised to come to this Court.

4. Since the issue is squarely covered by the various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ petition is disposed of with a direction to the respondents to settle the entire retirement benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from June, 2017 and each of the instalments should be paid on or before 7th of each month.

In case of any delay in the payment of the instalments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the instalments. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

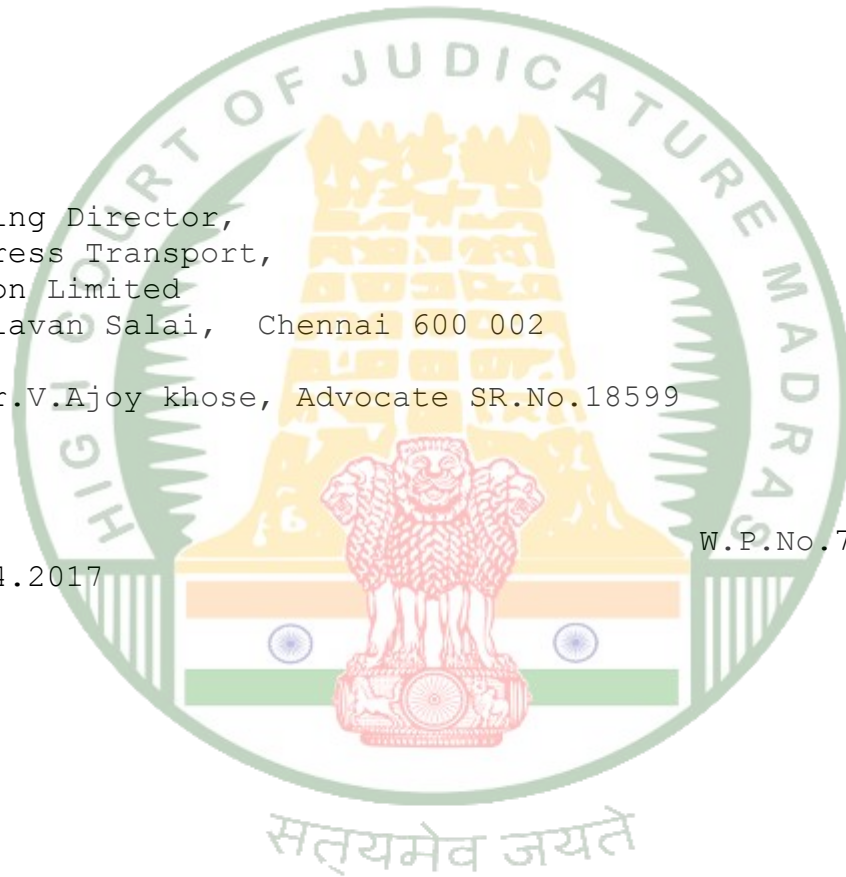
To

The Managing Director,
State Express Transport,
Corporation Limited
No.2, Pallavan Salai, Chennai 600 002

+1cc to Mr.V.Ajoy khose, Advocate SR.No.18599

SDR 10.04.2017

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