

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.4218/2017

T.Muthukumaran

.. Petitioner

Vs

1.The Principal Secretary
State of Tamil Nadu
Transport Department,
Fort St George, Chennai-09.

2.The Managing Director
State Express Transport Corporation
[TN] Ltd., 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 2nd respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 18.10.2016.

For Petitioner : No appearance

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

For R2 : Mr.P.Kannan Kumar

ORDER

The learned counsel appearing for the petitioner is absent. Mr.K.Dhananjayan, learned Special Government Pleader, accepts notice on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned Standing Counsel accepts notice on behalf of the 2nd respondent.

2. The petitioner joined the services of the 2nd respondent / Corporation as a Conductor on 01.10.1988 and at the time of his retirement on 30.04.2016, he was working as Selection Grade Senior Conductor. The grievance expressed by the petitioner is that though he has retired from service as early as on 30.04.2016, the retiral/terminal benefits such as Leave Salary, Provident Fund, Gratuity, Penal interest, commutation and interest and Social Security scheme and all other retirement benefits etc., have not been paid and in this

regard, he had submitted a representation to the respondent dated 18.10.2016 and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3.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.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing for the 2nd respondent.

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 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The Principal Secretary
State of Tamil Nadu
Transport Department,
Fort St George, Chennai-09.

2.The Managing Director
State Express Transport Corporation
[TN] Ltd., Chennai 600 002.

+1 CC to Mr.A.Murugan, Advocate Sr.No.10947

+1 CC to Government Pleader, High Court, Chennai Sr.No.11184

W.P.No.4218/2017

NRI (CO)
KP (07.03.2017)