

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 6224 of 2017

K.Panneerselvam

... Petitioner

vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd
Salem 636 007
- 2 The General Manager
Tamil Nadu State Transport Corporation (Salem) Limited
Regional Office
Dharmapuri-636 705
- 3 The Assistant Manager
(Provident Fund & Pension)
Tamil Nadu State Transport Corporation (Salem) Limited
Salem-636 007

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to disburse all eligible retirement benefits due to the petitioner with 6% interest p.a within a stipulated time.

For petitioner Mr. J. Bharathiraja

For respondents Mr. R.K. Gandhi

Standing Counsel for TNSTC

ORDER

Mr. R.K. Gandhi, learned Standing Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to disburse all eligible retirement benefits due to the petitioner with 6% interest p.a within a stipulated time.

3 The petitioner joined the service of the respondent-Transport Corporation as Driver on 29.09.1997. He was promoted to the post of Senior Grade Driver and he retired as such, on reaching the age of superannuation on 31.07.2016. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has preferred this writ petition for the relief, as aforesaid.

4 In W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and 3 others], involving similar set of facts, as obtaining in this case, a Division Bench of the Madurai Bench of Madras High Court, by order dated 12.06.2015, has directed payment of terminal benefits in 12 equal monthly instalments with interest at the rate of 6% p.a. The relevant portion of the said order reads thus:

"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."

5 However, from a perusal of the records placed before this Court, it is seen that the petitioner has straightaway preferred this writ petition without making any representation to the authorities. Hence, the petitioner is directed to submit his representation to the first respondent, seeking payment of

his terminal benefits, within a period of one week from the date of receipt of a copy of this order and on receipt of such representation from the petitioner, the first respondent is directed to disburse the petitioner's retirement benefits, if any, on the basis of his representation, in twelve equal monthly instalments, with the first instalment commencing from the first week of June 2017, in the light of the order passed by the Madurai Bench, referred to supra, provided the petitioner has retired from service without any departmental proceedings pending against him.

The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Managing Director
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Salem 636 007
- 2 The General Manager
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Dharmapuri-636 705
- 3 The Assistant Manager
(Provident Fund & Pension)
Tamil Nadu State Transport Corporation (Salem) Limited
Salem-636 007

+1cc to Mr.J.Bharathiraja, Advocate Sr.16650

+1cc to Mr.R.K.Gandhi, Advocate Sr.16931

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srg 3/4/2017