

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 6225 of 2017

P. Ashok

... Petitioner

vs.

1. The Principal Secretary to Government
Transport Department
Fort.St. George, Chennai-600 009
 2. The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu
Valuthareddy-Post
Villupuram-605 602
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 2nd respondent to disburse the retirement benefits, viz., Earn Leave Surrender Salary amount of Rs.2,795/-, Gratuity amount of Rs. 7,52,000/-, Settlement Arrears Amount of Rs.2,73,000/-, IRT Contribution Amount of Rs.4.360/- and Social Security Scheme Fund Amount of Rs.35,000/- the total comes to Rs.10,67,155/- (Rupees Ten lakhs Sixty Seven Thousand One Hundred and Fifty Five only) with 18% interest on delayed payment to the petitioner the Selection Grade Driver Staff No. DR1708 who has retired from service on 31.07.2016.

For petitioner :Mr.D.Veerasekaran

For R1 : Mr. V. Jayaprakash Narayanan
Special Govt. Pleader

For R2 :Mr. P. Paramasivadosh, Standing
Counsel

ORDER

Mr. V. Jayaprakash Narayanan, learned Standing Counsel, accepts notice for the first respondent. Mr. P. Paramasivadosh, learned Standing Counsel, accepts notice for the second respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking the following relief:

"a writ of mandamus directing the 2nd respondent to disburse the retirement benefits, viz., Earn Learn Surrender Salary Amount of Rs.2,795/-, Gratuity amount of Rs. 7,52,000/-, Settlement Arrears Amount of Rs.2,73,000/- IRT Contribution Amount of Rs.4.360/- and Social Security Scheme Fund Amount of Rs.35,000/- the total comes to Rs.10,67,155/- (Rupees Ten lakhs Sixty Seven Thousand One Hundred and Fifty Five only) with 18% interest on delayed payment to the petitioner the Selection Grade Driver Staff No. DR1708 who has retired from service on 31.07.2016."

3 The petitioner joined the service of Thanthai Periyar Transport Corporation as Driver on 15.11.1986 and his services were regularized as on 01.09.1987. He was upgraded as Selection Grade Driver on 01.09.2008 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 second respondent within a period of one week from the date of receipt of a copy of this order, seeking payment of his terminal benefits and on receipt of such representation, the second 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

//True Copy//

cad/gsk
To

Sub Assistant Registrar

1. The Principal Secretary to Government
Transport Department
Fort.St. George
Chennai-600 009

2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu
Valuthareddy-Post
Villupuram-605 602

+lcc to Mr.Veerasekaran, Advocate, S.R.No.15998
+lcc to the Government Pleader, S.R.No.16722

W.P. No.6225 of 2017

GJII(CO)
RS(04/04/2017)