

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6252 of 2017

N. Chinnasamy

Petitioner

vs.

1 The Managing Director
Tamil Nadu State Transport Corporation Ltd.
(Villupuram)
Salamedu
Vazhuthareddy Post
Villupuram

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai 600 002

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to disburse the arrears of salary for 13 months i.e., from 01.09.2013 to 30.09.2014, Gratuity, Pension commutation and Earned Leave balance as on 30.06.2014 by revising the scale of pay of the petitioner on the basis of the settlement award dated 13.04.2015 with interest at 12% per annum with effect from 01.10.2014 to the petitioner within a stipulated time.

For petitioner Mr. I.C. Vasudevan

For respondents Mr. P. Paramasivadosh
Standing Counsel

ORDER

Mr. P. Paramasivadosh, learned Standing Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to disburse the arrears of salary for 13 months i.e., from 01.09.2013 to 30.09.2014, Gratuity, Pension commutation and Earned Leave balance as on

30.06.2014 by revising the scale of pay of the petitioner on the basis of the settlement award dated 13.04.2015 with interest at 12% per annum with effect from 01.10.2014, to the petitioner, within a stipulated time.

3 Mr. I.C. Vasudevan, learned counsel for the petitioner, would submit that the petitioner, after joining the respondent-Transport Corporation, was given the benefit of the settlement award dated 13.04.2015 passed by the Special Assistant Commissioner of Labour qua pay fixation with effect from 01.09.2013 and as per the said settlement, the petitioner is entitled to get the basic pay of Rs.13,150/- and Dearness Allowance of Rs.16,424.50 and a total salary of Rs.31,774.50 (excluding the allowances); besides, there is also arrears of salary prior to his retirement; even after retirement also, these entitlements have not been settled on the ground that the respondent-Transport Corporation is facing financial crunch; as the petitioner's family also is in penury, his arrears of salary cannot be withheld indefinitely, especially, when he has to meet his urgent family necessities; therefore, if a direction is given to the respondents to consider the petitioner's case, no prejudice will be caused to the respondents.

4 From a perusal of the records, it is seen that the petitioner has addressed a representation dated 19.12.2016 to the respondents seeking arrears of salary for thirteen months, Gratuity, Pension Commutation and Earned Leave balance, which is still under consideration.

5 In such view of the matter, this Court directs that in the event, the respondents come to the conclusion that if the arrears of salary and pensionary benefits are due and payable to the petitioner, they shall do the needful on the basis of the order dated 12.06.2015 passed by a Division Bench of the Madurai Bench of Madras High Court 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] and release the dues payable to the petitioner in twelve equal monthly instalments, with the first instalment commencing from 01.05.2017.

With the above direction, this writ petition stands disposed of. Costs made easy.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

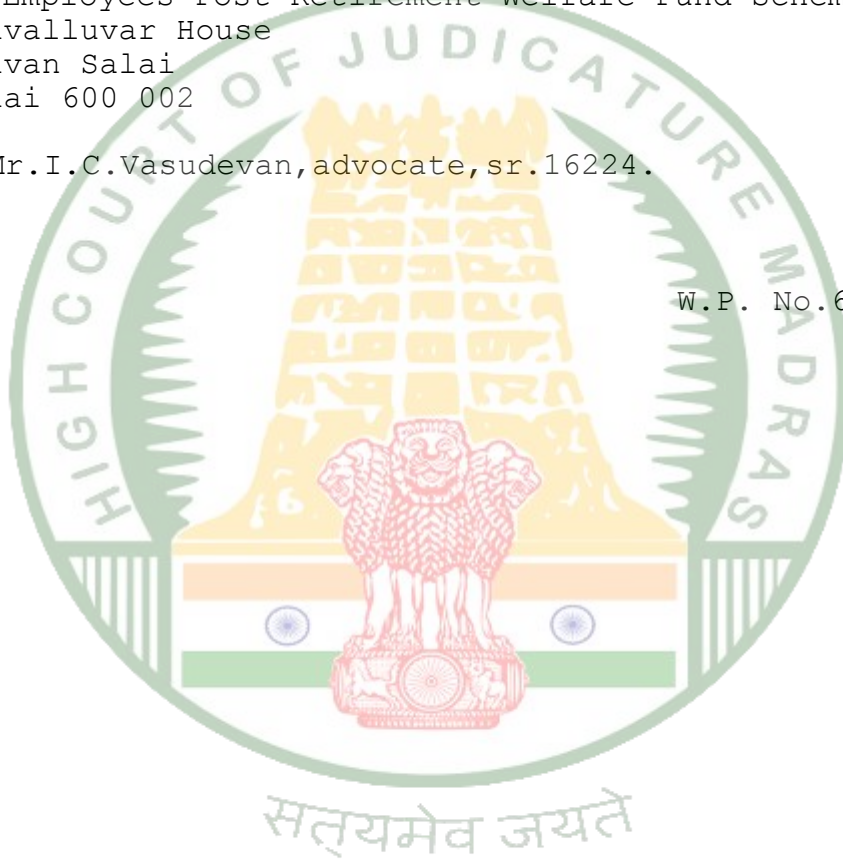
To

- 1 The Managing Director
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+1 cc to Mr.I.C.Vasudevan, advocate, sr.16224.

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