

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5285 of 2017

M.Mahalingam

..Petitioner

Vs

1.The State of Tamil Nadu,
rep. By its Principal Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.

2.The Managing Director,
State Express Transport Corporation
(TN) Limited,
Chennai - 600 002.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 30.09.2016

For Petitioner : Mr.A.Murugan

For Respondents : Mrs M.E.Raniselvam,
Additional Government Pleader
for R1
Mr.PParamasivadosh
Standing Counsel for Transport
Corporation for R2.

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader, accepts notice on behalf of the first respondent and Mr.P.Paramasivadosh, learned Standing counsel for Transport Corporation accepts notice on behalf of the second respondent.

2. The petitioner joined the services of the second respondent Transport Corporation as a Conductor on 01.09.1980 and at the time of retirement on 30.06.2012, he was working as

Ticket Checking Inspector. According to the petitioner, he is yet to be conferred with the benefits of retirement/terminal benefits such as leave salary, Provident Fund, Gratuity penal interest, computation and interest and social security scheme etc. In this regard, he has also submitted a representation dated 30.09.2016 to the second respondent. Though it was received and acknowledged by the second respondent, so far, no orders have been passed. Hence, he came forward to file the present writ petition.

3. Heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the first respondent and Mr.P.Paramasivadosh, learned Standing counsel appearing for the second respondent.

4. The Division Bench of this Court in Writ Appeal[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] has considered the similar issue and by a common judgment dated 12.06.2015, has passed the following order.

"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. Uta Haryana Bujli Vitran Nigam Limited & Ors [2014 (9) 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. 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 with 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 monthly pension amount to the petitioner in time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

- 1.The Principal Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
State Express Transport Corporation
(TN) Limited,
Chennai - 600 002.

+1cc to Mr.A. Murugan, Advocate Sr. 13736

+1cc to the Government Pleader Sr. 14277

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SKS (CO)
VR(06/04/2017)