

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5335/2017

K.J. Francis Xavier

..

Petitioner

Vs

1. The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, 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.
3. The Administration,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavansalai,
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 respondents to settle the petitioner's terminal benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay Gratuity, Pension DA arrears, Settlement Arrears, Pension Commutation, Encashment of Leave Salary [EL], Social Security Scheme, Retirement Benefits Scheme, pending in service leave salary, Pongal Gift, DA Arrears and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.12.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in WA [MD] Nos.383 to 457/2015 dated 12.06.2015.

For Petitioner :	M/s.Vijaya and Anand
For R1 :	Mr.K.Dhananjayan, Spl.GP
For RR2&3 :	Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal. 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 respondents 2 and 3.

2 The petitioner joined the services of the erst while Pallavan Transport Corporation Ltd., as a Tyreman on 20.05.1982. After amalgamation and merger, it became Transport Corporation (Villupuram) Ltd., and the services of the petitioner got absorbed in the said Corporation [Staff No. 20554] and after rendering 35 years of service as Senior Tradesman, he retired from service on 31.12.2016. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Gratuity, Pension DA Arrears, Settlement Arrears, Pension Commutation, Encashment of Leave Salary (EL), Social security scheme, Retirement Benefit Scheme, Pending in Service Leave Salary, Pongal gift, DA Arrears monetary benefits etc., the same have not been settled and in this regard, he had submitted a representation to the respondent dated 07.01.2017 and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for 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 respondents 2 and 3.

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 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.

-Sd/-

Assistant Registrar

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Sub Assistant Registrar

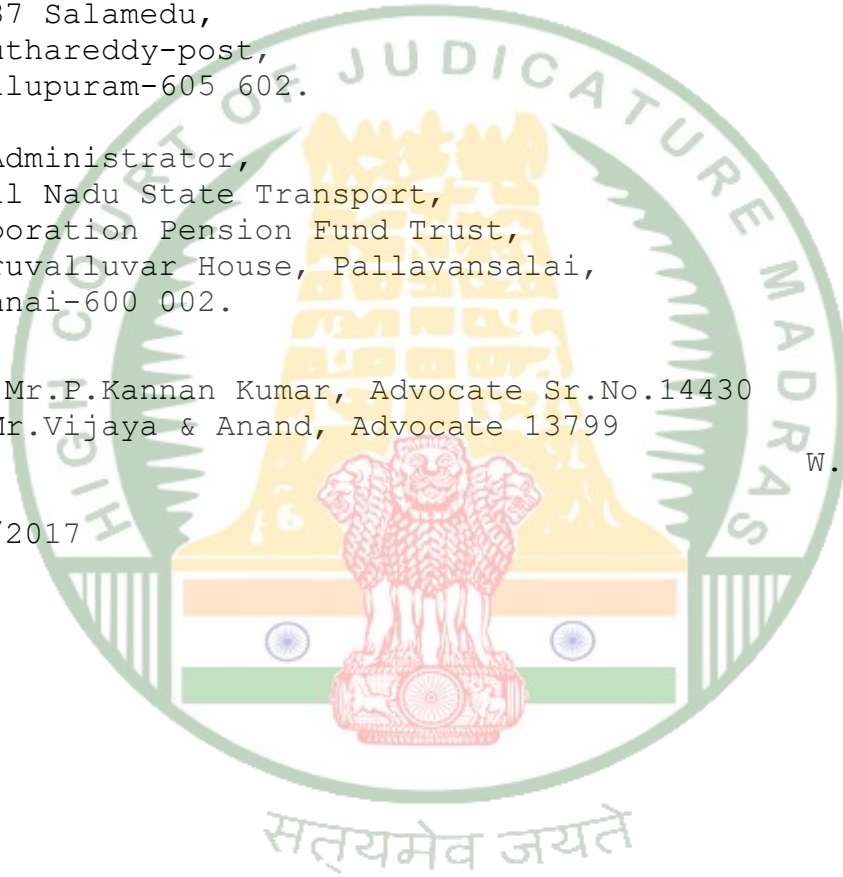
To

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Chennai-600 002.

+ 1 cc to Mr.P.Kannan Kumar, Advocate Sr.No.14430
+1 cc to Mr.Vijaya & Anand, Advocate 13799

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LRS (CO)
RRI 27/03/2017



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