

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.7345 of 2017

K.Matheswaran

... Petitioner

vs.

- 1) The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
- 2) The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund
Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.02.2017 within the time stipulated by this Court.

For Petitioner : Mr.A.Selvaraju

For Respondents : Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal.

2.It is the claim of the petitioner that the petitioner had joined service as a Junior Engineer in the Tamil Nadu State Transport Corporation (Salem) Limited on 18.06.1981 and he retired from service on 31.01.2017 as Deputy Manager. After putting 36 years of service in the Corporation, the following benefits have not been settled:

i.Gratuity

ii.Social Welfare Fund

iii.Surrender Leave Salary i.e. Earned Leave
balance credited as on 31.01.2017

iv.Salary for medical leave credited on 01.09.1998

v.Earned Leave already surrendered but amount
yet to be paid for 60 days (4x15=60)

vi.Contribution towards Institute of Road transport
Technology

vii.Commutatin

viii.Employees Provident Fund

ix.Pension under the Employees Retirement Benefit
Scheme

Hence, the petitioner had made a representation on 15.03.2017 to the respondents. Since there was response from the respondents so far, the petitioner has come forward with this writ petition.

3.Heard Mr.A.Selvaraju, the learned counsel for the petitioner. Mr.R.K.Gandhi, learned Standing Counsel takes notice on behalf of the respondents.

4. It is relevant to extract the decision rendered by the Madurai Bench of this Court dated 12.06.2015 made in WA [MD] No.383 to 457/2015 [K.Rajendran and Others Vs. Tamilnadu State Transport Corporation, Madurai Limited, represented by the Managing Director, Madurai-10 and others]:-

"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 12 equal monthly instalments, 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 Hon'ble Supreme Court in D.D.Tewari [D] THR. LRs and others Vs. Uttar Haryana Biili Vitran Nigam Ltd., and Others [2014 [9] SCALE-78], wherein it is held that in case of any delay in making the payment of M.SATHYANARAYANAN, J., AP the instalments, 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. The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed. "

5. Considering the long pending representation and in the light of the decision referred above, this Court directing the respondent/Transport Corporation to disburse left over retirement benefits through twelve equal monthly installments, carrying interest of 6% p.a.. to the petitioner. It is made clear that the first instalment will commence from first week of June, 2017.

6.With the above direction, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar
/TRUE COPY/
Sub-Assistant Registrar

To

- 1) The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem-636 007.
- 2) The Administrator,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Employees Post Retirement Welfare Fund
Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1 cc to Mr.A.Selvaraju, Advocate Sr.No.18882
+1 cc to Mr.R.K.Gandhi, Standing Counsel, Sr.19431

W.P.No.7345 of 2017

SJ(CO)
rvr 17/05/2017