

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.4334 of 2017

A.Kahder Mohideen

... Petitioner

Vs.

M/s.State Express

Transport Corporation Ltd.,

Rep. by its Managing Director,

No.2, Pallavan Salai, Chennai- 600 002.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus, directing the respondent to settle the petitioner's terminal benefits, such as gratuity, pension and leave salary by revising the Grade pay and Dearness Allowance with consequential benefits as per wage settlement and LIC policy maturity with interest at the rate of 6% per annum by considering the petitioner's representation dated 12.01.2017.

For Petitioner : M/s.D.Soundar Raj

For Respondent : Mr.P.Kannan Kumar

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner joined the service of the respondent/Corporation as Conductor on 17.01.1983 and after putting in 33 years of service, retired as Checking Inspector on 31.08.2016. According to the petitioner, at the time of his retirement, he is entitled to the terminal benefits, such as gratuity, pension and leave salary by revising the Grade pay and Dearness Allowance with consequential benefits as per 12 (3) wage settlement of Industrial Disputes Act, 1947 and LIC policy maturity with interest at the rate of 6% per annum. Seeking those benefits, the petitioner submitted a representation, dated 12.01.2017. Since the said representation evoked no response, the petitioner is constrained to approach this Court, by filing the present Writ Petition.

3. Mr.D.Soundar Raj, the learned counsel appearing for the petitioner would submit that a similar issue arose for consideration before the Division Bench of this Court, Madurai Bench, in WA (MD) No.383 to 457/2015, in re (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. Mr.P.Kannan Kumar, learned Standing Counsel, who accepts notice on behalf of the respondent, do not dispute the position and agreed that the issue involved in this Writ Petition is covered by the above cited Division Bench judgment.

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 necessary directions and for the purpose of disposal of the case, it would be apposite to extract the relevant portion from the judgment cited supra :-

"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 (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 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 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(CS V)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,
M/s.State Express Transport Corporation Ltd.,
No.2, Pallavan Salai, Chennai- 600 002.

+ 1 cc to M/s. D. Soundar Raj, Advocate SR.11365
+ 1 cc to P. Kannan Kumar, Advocate Sr.12059

W.P.No.4334 of 2017

NR(CO)
Eu 5.4.17

सत्यमेव जयते

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