

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.838 of 2017

K.Subramani

... Petitioner

Vs

1. The Tamil Nadu State Transport Corporation (Salem) Ltd.,
rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem - 636 007
2. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Dharmapuri Region-II, Bharathipuram,
Dharmapuri - 636 705.
3. Tamilnadu State Transport Corporations Employees Pension Fund Trust,
rep. by its Administrator,
Thiruvallur Illam, Anna Salai,
Chennai - 2.

.... 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 pay and settle all the retirement benefits due to the petitioner including gratuity, leave salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner within a specified time limit as may be fixed by this Court.

For Petitioner : Mr.S.P.Parvadhraj Arumguam

For Respondents : Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.R.K.Gandhi, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner joined the services of the 1st respondent as a Driver on 20.04.1995 and on attaining the age of superannuation, he retired from service on 30.06.2015. Though nearly one year had lapsed, the retiral/terminal benefits such as gratuity, leave salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary, have not been disbursed. In this regard, he had submitted a representation to the 1st respondent dated 12.12.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submissions of K.Venkataramani, learned Additional Advocate General assisted by Mr.R.K.Gandhi, learned Standing counsel appearing for the respondents.

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. Utta 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 1st respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 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 1st 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/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu State
Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region-II, Bharathipuram,
Dharmapuri - 636 705.
3. The Administrator,
Tamilnadu State Transport Corporations
Employees Pension Fund Trust,
Thiruvallur Illam, Anna Salai, Chennai - 2.

+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.7878

+1cc to Mr.S.P.Parvadhraj Arumguam, Advocate, S.R.No.7868

W.P.No.838 of 2017

SR(CO)
CA(22/02/2017)