

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5418 of 2017

V.Balasubramanian

..Petitioner

Vs

1.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Covai) Limited,  
Coimbatore-641 043.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Covai) Limited  
Erode Region,  
Erode.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to disburse the payments relating to Leave Encashment (Earned Leave & Medical Leave) Rs.6,38,800/-, Surrender Leave salary Rs.46,800 and Leave on Personal Affairs Rs.1,37,800/- with interest at 12% per annum with effect from 01.07.2011 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.G.Sakthivel

For Respondents : Mr.P.Kannankumar  
Standing Counsel for Transport  
Corporation.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannankumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner joined the services of the respondent Transport Corporation as Junior Assistant on 25.03.1982 and at

the time of retirement on 30.06.2011, he was working as Superintendent and his last drawn salary was Rs.31,358/-. According to the petitioner, though he retired from service, he is yet to be conferred with the benefits of retirement/terminal benefits such as Leave Encashment (Earned Leave & Medical Leave), Surrender Leave Salary and Leave on Personal affairs. In this regard, he has also submitted a representation dated 20.02.2017 to the respondents. Though it was received and acknowledged by the respondents, so far, no orders have been passed. Hence, he came forward to file the present writ petition.

3. Heard the submissions of Mr.P.Kannankumar, 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 7<sup>th</sup> 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 1<sup>st</sup> 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 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/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,  
Tamil Nadu State Transport Corporation  
(Covai) Limited,  
Coimbatore-641 043.

2.The General Manager,  
Tamil Nadu State Transport  
Corporation (Covai) Limited  
Erode Region,  
Erode.

+1cc to M/S. G. Sakthivel, Sr. 14018

+1cc to M/S. P. Kannan Kumar, Advocate Sr. 14432 dt. 27/03/2017

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NR(CO)  
VR(16/03/2017)

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