

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4417 of 2017

1. M. Palani
2. M. Panchalaam .. Petitioners
Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy, Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Karapettai,
Kancheepuram - 631 552.
3. The Administrator,
Tamil Nadu State Transport
Corporation Employees' Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. .. Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India,
for the issuance of writ of mandamus, directing the respondents to pay
Gratuity, Earned Leave Wages, Commutation Pension payable to the

petitioners along with interest at 18% p.a. till the date of payment by the respondents at an earlier date.

For Petitioners :: Mr.R. Anbalagan

For Respondents :: Mr.P. Kannankumar

ORDER

By consent, the writ petitions are taken up for final disposal. Mr.P. Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondents.

2. The first petitioner joined the service of the 2nd respondent Corporation on 05.04.1979 as SEC. SERGEANT with Staff No. 17526 and after putting in 34 years of service, retired as Selection Grade SEC. SERGEANT on 31.08.2013. The first petitioner would state that though he has retired as early as on 31.08.2013, his retiral/terminal benefits, such as Gratuity, Surrender Leave, due and payable to him, have not been settled and that he is also entitled to interest on belated payment. In this regard, he has submitted a representation dated 09.12.2016 to the respondents. Since it is yet to be favoured with any response, has come forward to file this writ petition.

3. As far as the second petitioner is concerned, he joined the service

of the 2nd respondent Corporation on 24.05.1989 as GR-SEC-GUARD, with Staff No. 17559 and after putting in 27 years of service, retired as Selection Grade SEC-GUARD on 29.02.2016. The second petitioner would state that though he has retired as early as on 29.02.2016, his retiral/terminal benefits, such as Gratuity, Surrender Leave, commutation, due and payable, have not been settled and that he is also entitled for interest on belated payment. In this regard, he has submitted a representation dated 25.10.2016 to the respondents. Since it is yet to be favoured with any response, has come forward to file this writ petition.

3. The learned counsel appearing for the petitioners would submit that the matter in issue is squarely covered by the common Judgment dated 12.06.2015 made in ***W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others]***, wherein, the Division Bench has passed orders, ordering payment of terminal benefits, in 12 equal monthly installments, carrying interest at the rate of 6% p.a. and taking into consideration the hardship and misery being suffered by the petitioner, prays for appropriate orders.

4. This Court heard the submissions of Mr.P.Kannankumar, learned

Standing Counsel for the respondents, who would submit that in the light of the above cited Judgment, appropriate orders may be passed.

5. This Court considered the rival submissions and also perused the materials placed before it.

6. It is relevant to extract the orders passed in W.A.No.(MD)Nos.383 to 457 of 2015:

“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.”

7. A similar issue came up for consideration in a batch of cases and one such case is W.P.No.42555 of 2016 and this Court, after hearing the submissions of the learned counsel appearing for the petitioner therein, as well as the submission of Mr.K.Venkataramani, learned Additional Advocate General, by following the above cited Judgment, disposed of the said writ petition on 19.01.2017, the operative portion of which is extracted below:-

“10. In the light of the above facts and circumstances, the State Transport Undertakings/Transport Corporations shall settle all the terminal benefits due and payable to the petitioner in the light of the common judgment rendered in W.A.No.(MD)Nos.383 to 457 of 2015 and the installments to be paid from 01.04.2017. The Administrative Department shall ensure that there is no default as to the compliance of the orders passed by this Court in this regard. It is also made clear that neither the Transport Corporation nor the Administrative Department shall drive the retired employees to approach this Court for similar relief and in the light of the fact that the above orders equally binds them shall make every endeavour to pass similar orders at least on the date of retirement of the

employees. It is further made clear that the non compliance of the order passed by this Court may visit the concerned respondents with grave consequences by way of contempt proceedings”.

8. In the light of the above facts and circumstances and also in the light of the earlier orders passed by this Court, the terminal benefits due and payable to the respective petitioners shall be paid by the respondents in 12 equal monthly instalments with interest at 6% p.a. and the 1st instalment shall commence from 1st June, 2017 and to be continuously paid until settling the entire arrears. The respondents shall also pay pension periodically to the petitioners without any default. It is made clear that in case of any delay in making the payment of 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 petitioner for non-compliance of undertaking given to this Court.

9. The writ petitions are disposed of accordingly. No costs.

23.02.2017

nv

To

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M. SATHYANARAYANAN,J.

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