

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5467 of 2017

R.Kumar

..Petitioner

Vs

The Metropolitan Transport Corporation
(Chennai) Ltd.,
rep. By its Managing Director,
Pallavan Illam,
Annasalai,
Chennai-2.

..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to settle the petitioner's retirement benefits, including Earned Leave wages and Medical Leave Wages due on 01.09.1998 payable to him with 16% rate of interest within the time that may be stipulated by this Court

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.P.Paramasivadosh,
Standing Counsel for
Transport Corporation.

ORDER

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

2. The petitioner joined in the service of the respondent Transport Corporation as Assistant on 10.06.1982 and after putting in 31 years of service, he retired from service on 30.06.2013 as Senior Grade Tradesman. According to the petitioner, though he retired from service, he is yet to be conferred with the benefits of retirement/terminal benefits such as Earned Leave wages and Medical Leave Wages. In this regard, he has also submitted a representation to the respondent dated 02.01.2017. Though it was received and acknowledged by the respondent, so far no orders have been passed. Hence, he came forward to file the present writ petition.

3. Heard the submissions of Mr.P.Paramasivados, 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."

M.SATHYANARAYANAN.,J.

vsi

5. 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 with 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 monthly pension amount to the petitioner on time without any default.

6. The writ petition stands disposed of with the above direction.
No costs.

03.03.2017

Index : Yes / No

Internet : Yes / No

vsi

To

The Managing Director,
The Metropolitan Transport Corporation
(Chennai) Ltd.,Pallavan Illam,
Annasalai,Chennai-2.

W.P.No.5467 of 2017