

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6510 of 2017

S. Shajakan

Petitioner

vs.

The General Manager

Tamil Nadu State Transport Corporation Ltd. (Coimbatore)

Erode Regional Office

Chennimalai Road

Erode

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to disburse the surrender leave salary, i.e, earned leave balance as on 31.12.2016 with interest at 12% per annum with effect from 01.01.2017 within a stipulated time.

For petitioner Mr. I.C. Vasudevan

For respondent Mr. P. Kannan Kumar

ORDER

Mr. P. Kannan Kumar, learned Standing Counsel, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondent to disburse the surrender leave salary, i.e, earned leave balance as on 31.12.2016 with interest at 12% per annum with effect from 01.01.2017 within a stipulated time.

3 The petitioner joined the service of the respondent-Transport Corporation as Conductor on 04.03.1986 and retired from service as Special Grade Conductor on 31.12.2016 on reaching the age of superannuation. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 20.02.2017 to the respondent, but, to no avail. Hence, he has preferred this writ petition for the relief, as aforestated.

4 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 3 others], involving similar set of facts, as obtaining in this case, a Division Bench of the Madurai Bench of Madras High Court, by order dated 12.06.2015, has directed payment of terminal benefits in 12 equal monthly instalments with interest at the rate of 6% p.a. The relevant portion of the said order reads thus:

"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."

5 Following the same, the respondent is directed to disburse the petitioner's retirement benefits, if any, provided, the petitioner has retired without any disciplinary proceedings pending against him, on the basis of his representation dated 20.02.2017, in twelve equal monthly instalments and the first instalment shall commence from the first week of June 2017.

The writ petition stands disposed of with the above direction. Costs made easy.

-Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

The General Manager
Tamil Nadu State Transport Corporation Ltd. (Coimbatore)
Erode Regional Office
Chennimalai Road, Erode

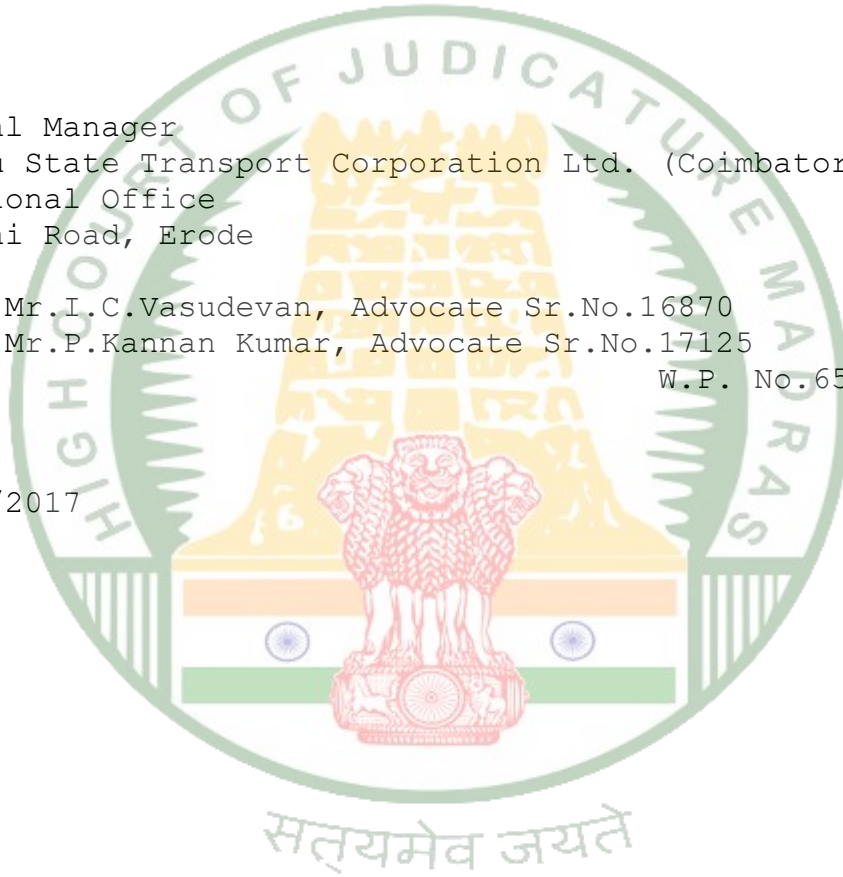
+ 1 cc to Mr.I.C.Vasudevan, Advocate Sr.No.16870

+ 1 cc to Mr.P.Kannan Kumar, Advocate Sr.No.17125

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KJ(CO)

RRI 27/03/2017



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