

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6531 of 2017

G. Madhan

Petitioner

vs.

- 1 The Government of Tamil Nadu
represented by the Secretary
Transport Department
Secretariat, Fort St. George
Chennai 600 009
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.
No.12, Ramakrishnan Road
Salem 636 007
- 3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.
Dharmapuri Region
Bharathipuram
Dharmapuri 636 705
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement
Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai 600 002

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender, ML surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount and in other benefits etc, with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement

benefits to the petitioner payable from the date of retirement i.e., 31.03.2016 to till the date of actual payment to the petitioner within a stipulated time.

For petitioner Mr.M Selvam
For R1 Mr.T.M. Pappiah, Spl. Govt. Pleader
For RR 2 to 4 Mr.R.K. Gandhi, Standing Counsel

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the first respondent and Mr. R.K. Gandhi, learned Standing Counsel, accepts notice for respondents 2 to 4. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking the following relief:

"a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender, ML surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount and other benefits with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.03.2016 to till the date of actual payment to the petitioner within a stipulated time."

3 The petitioner joined the service of the second respondent-Transport Corporation as Conductor on 23.05.1990 and retired from service as Selection Grade Senior Conductor on 31.03.2016 on reaching the age of superannuation. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 03.03.2017 to the second respondent, but, to no avail. Hence, he has preferred this writ petition for the relief, as aforesaid.

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 second 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 03.03.2017, 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(CS VII)

//True Copy//

Sub Assistant Registrar

cad

To

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Government of Tamil Nadu
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Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai, Chennai 600 002

+1cc to Mr.M. Selvam, Advocate, S.R.No.16898
+1cc to Mr.R.K. Gandhi Advocate, S.R.No.16933

BR(CO)
EU 6.4.17

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