

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2017

CORAM:

THE HON'BLE MR.JUSTICE T. RAJA

W.P.No.5558 of 2017

C. Nagarajan

Petitioner

vs.

- 1 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.
12, Ramakrishna Salai
Salem 636 007
- 2 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Trust
Administrative Office
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 pay the retirement benefits such as Provident Fund, Gratuity, Labour Welfare Fund, IRT share, the benefits of Earned Leave and Unearned Leave, Medical Leave benefit and pensionary benefits payable to the petitioner with interest at the rate of 12% from the date of retirement.

For petitioner : Mr. A. Nagarathinam

For respondents : Mr. R.K. Gandhi
Standing Counsel

ORDER

Mr. R.K. Gandhi, learned Standing Counsel, accepts notice for the respondents. 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 respondents to pay the retirement benefits such as Provident Fund, Gratuity, Labour Welfare Fund, IRT share, benefits of Earned Leave and Unearned Leave, Medical Leave benefit and pensionary benefits payable to the petitioner, with interest at the rate of 12% p.a. from the date of retirement.

3 The petitioner joined the service of the respondent-Transport Corporation as Driver on 01.02.1985; he was promoted to the post of Selection Grade Senior Driver and he retired as such on reaching the age of superannuation on 31.12.2016. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 18.02.2017 to the first 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 first respondent is directed to disburse the petitioner's retirement benefits, if any, on the basis of his representation dated 18.02.2017, in twelve equal monthly instalments and the first instalment shall commence from the first week of April 2017.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

To

- 1 The Managing Director
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Corporation (Salem) Ltd.
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- 2 The Administrator
Tamil Nadu State Transport Corporation
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+1 CC to Mr. R.K.Gandhi, Advocate Sr.No.14617.

+1 CC to Mr. A. Nagarathinam, Advocate Sr.No.14325.

W.P. No.5558 of 2017

NR (CO)
KP (17.03.2017)