

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4551 of 2017

S.Gunasekaran

..Petitioner

Vs

1. The State of Tamil Nadu,
rep. By its Principal Secretary,
Transport Department,
Fort St.George, Chennai - 600 009.

2. The Managing Director,
State Express Transport Corporation
(TN) Limited,
Chennai - 600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation
Retired Employees Provident Fund,
Pallavan Salai, Chennai - 2.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 07.11.2016

For Petitioner : Mr.A.Murugan

For Respondents : Mr.K.Dhananjayan,
Special Govt.Pleader for R1.
Mr.P.Kannan Kumar.
Standing Counsel
for Transport Corporation
for R2 and R3.

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government accepts notice on behalf of the first respondent and Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the second and third respondents.

2. The petitioner joined the service of the second respondent Transport Corporation as a Driver on 01.08.1989 and retired from service on 31.03.2016 as a Selection Grade Senior Driver. According to the petitioner, though he retired from service, he is yet to be conferred with the benefits of retirement/terminal benefits such as leave salary, provident fund, gratuity, penal interest, commutation and interest and social security scheme etc. In this regard, he had submitted a representation to the respondent dated 07.11.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submissions of Mr.K.Dhananjayan, learned Special Government appearing for the first respondent and Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation appearing for the second and third 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."

5. In the light of the above facts and circumstances, the 2nd 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 2nd 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
State Express Transport Corporation
(TN) Limited,
Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation
Retired Employees Provident Fund,
Pallavan Salai, Chennai - 2.

+1 CC to Mr. P. Kannan Kumar, Advocate Sr.No.12697

+1 CC to Government Pleader, High Court, Chennai Sr.No.13004

W.P.No.4551 of 2017

RR(CO)

KP(14.03.2017)