

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6584 of 2017

M. Rajagopal

...Petitioner

vs.

- 1 Tamil Nadu State Transport Corporation (Villupuram) Ltd.
represented by its Managing Director
Salamedu
Villupuram 605 602
 - 2 The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Vellore Region
Rangapuram
Vellore 632 109
 - 3 The Administrator
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust
Thiruvalluvar Illam
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 petitioner a sum of Rs.3,41,775/- towards gratuity; a sum of Rs.1,11,052/- towards earned leave salary for 115 days and a sum of Rs.14,485/- towards earned leave salary for 15 days already surrendered in 2014; a sum of Rs.3,400/- towards D.A. arrears, the amounts payable under the social security scheme; the employees contribution of provident fund; the monthly pension payable under the post retirement benefit scheme from 01.11.2016 with arrears; a sum of Rs.4,500/- towards refund of contributions made to IRT Medical and Engineering Colleges and Polytechnic College; a sum of Rs.2,03,616/- towards commuted value of pension; monthly pension payable under the TNSTCE Pension Scheme from 01.11.2016 with arrears and commuted value of pension and monthly pension from 01.11.2016 with arrears payable under the TNSTCE Pension Scheme, together with interest at the rate of 12% for all the above benefits within a specified time.

For petitioner : Mr. R. Krishnaswamy
For respondents: Mr. P. Paramasivadosh
Standing Counsel

ORDER

Mr. P. Paramasivadosh, 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 the following relief:

"a writ of mandamus directing the respondents to pay the petitioner a sum of Rs.3,41,775/- towards gratuity; a sum of Rs.1,11,052/- towards earned leave salary for 115 days and a sum of Rs.14,485/- towards earned leave salary for 15 days already surrendered in 2014; a sum of Rs.3,400/- towards D.A. arrears, the amounts payable under the social security scheme; the employees contribution of provident fund; the monthly pension payable under the post retirement benefit scheme from 01.11.2016 with arrears; a sum of Rs.4,500/- towards refund of contributions made to IRT Medical and Engineering Colleges and Polytechnic College; a sum of Rs.2,03,616/- towards commuted value of pension; monthly pension payable under the TNSTCE Pension Scheme from 01.11.2016 with arrears and commuted value of pension and monthly pension from 01.11.2016 with arrears payable under the TNSTCE Pension Scheme, together with interest at the rate of 12% for all the above benefits within a specified time."

3 The petitioner joined the service of the second respondent-Transport Corporation as Driver on 30.03.1996, his services were confirmed with effect from 01.09.2005 and he retired from service as Selection Grade Driver on 31.10.2016 on reaching the age of superannuation. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 04.11.2016 to the 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, provided, the petitioner has retired without any disciplinary proceedings pending against him, on the basis of his representation dated 04.11.2016, 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

cad

To

1 The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Salamedu
Villupuram 605 602

2 The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Vellore Region
Rangapuram
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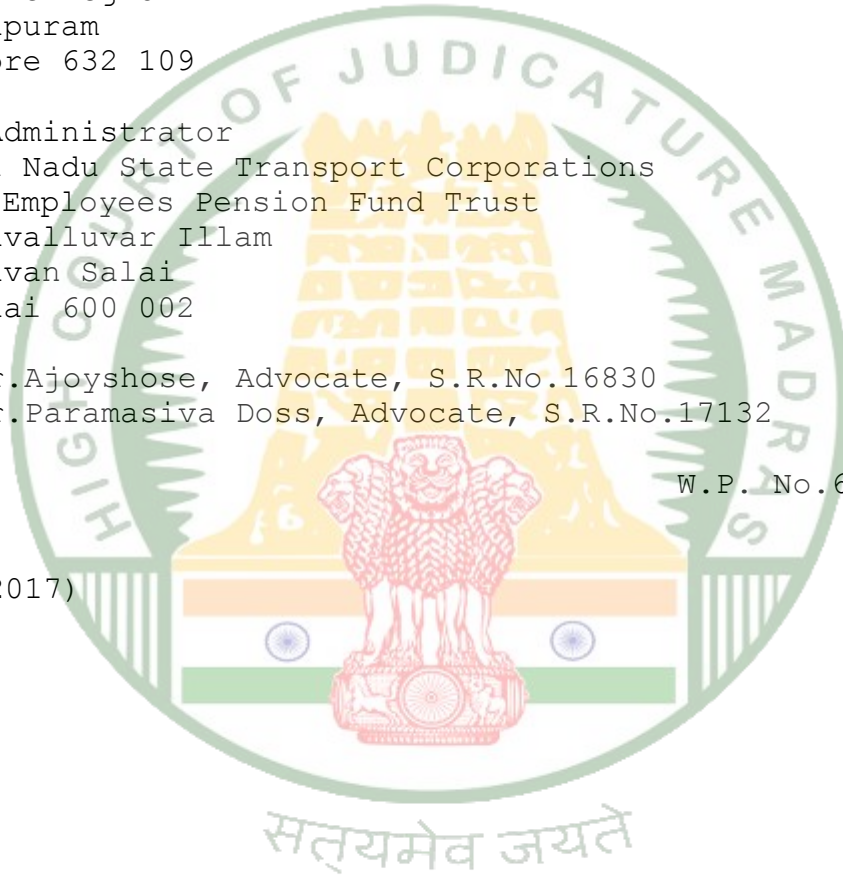
3 The Administrator
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust
Thiruvalluvar Illam
Pallavan Salai
Chennai 600 002

+1cc to Mr.Ajoyshose, Advocate, S.R.No.16830

+1cc to Mr.Paramasiva Doss, Advocate, S.R.No.17132

W.P. No.6584 of 2017

VGI (CO)
RS (03/04/2017)



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