

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.561 of 2017

Y.Johnson

..Petitioner

Vs

- 1.The Government of Tamil Nadu
Rep. By the Secretary,
Transport Department,
Secretariat, St. George Fort,
Chennai - 60 009.
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli.
- 3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagarcoil Region, Nagercoil.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Leave Surrender (Earned Leave & Medical Leave) DA arrears, Settlement arrears 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. 30.09.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.T.Senthilvelmurugan
For Respondents : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.K.Dhananjayan,
Special Government Pleader for R1
Mr.P.Kannan Kumar for R2 to R4

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined the services of the Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Tirunelveli as a Conductor on 01.05.1984 and at the time of retirement on 30.09.2012, he was working as Checking Inspector and was drawing a salary of Rs.29,696/-. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Leave Surrender (Earned Leave & Medical Leave), DA arrears, and Settlement arrears, the same have not been settled and in this regard, he had submitted a representation to the respondents dated 16.11.2016 and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3. The learned counsel appearing for the petitioner would submit that a similar issue arose for consideration before a Division Bench of this Court in WA[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] and the Division Bench, vide judgment dated 12.06.2015, has ordered the amounts to be paid in twelve equal monthly instalments with an interest @ 6% per annum and also with a default interest and prays for similar orders.

4. Heard the submissions of Mr.K.Venkataramani, learned Additional Advocate General, Assisted by Mr.K.Dhananjayan, learned Special Government Pleader appearing for the first respondent and Mr.P.Kannankumar, learned Standing counsel appearing for respondents 2 to 4.

5. This Court has taken into consideration the said judgment and also the stand of the respondents including the Administrative Department in its order dated 19.01.2017 made in WP.No.42555/2016 [A.Annamalai Vs. The Managing Director, Tamil Nadu State Transport Corporation Limited, Salem and others] and issued necessary directions and for the purpose of disposal of the cases, it is relevant to extract the common judgment made in the above cited writ appeal :-

"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."

6. In the light of the above facts and circumstances, the respondents are directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June, 2017 bearing interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The respondents, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

7. The writ petition stands disposed of with the above direction. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Secretary,
Government of Tamil Nadu,
The Transport Department,
Secretariat, St. George Fort,
Chennai - 60 009.

2.The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Tirunelveli.

3.The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
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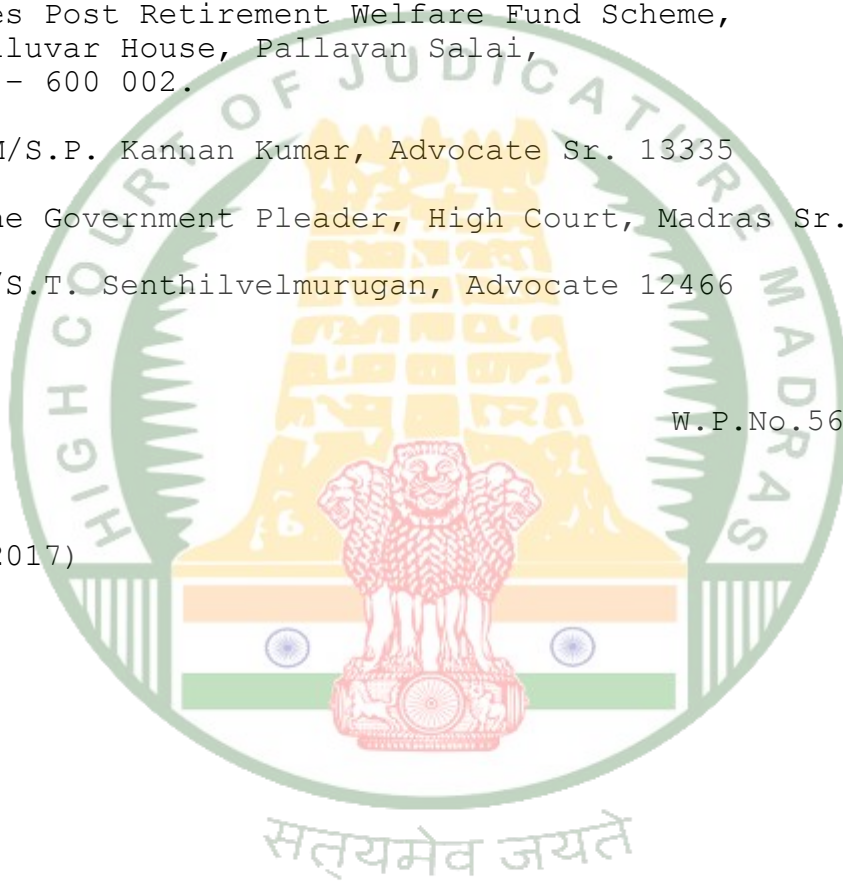
+2ccs to M/S.P. Kannan Kumar, Advocate Sr. 13335

+1cc to the Government Pleader, High Court, Madras Sr. 13048

+1cc to M/S.T. Senthilvelmurugan, Advocate 12466

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PPA(CO)
VR(13/03/2017)



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