

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3061/2017

D.N.Philip

... Petitioner

Vs

- 1.The Principal Secretary to Government
Transport Department, Fort St George
Chennai - 9.
- 2.The Managing Director,
Metropolitan Transport Corporation
[Chennai] Ltd., Pallavan Salai
Chennai 600 002.
- 3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, 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 2 and 3 to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.6,000/-, Pension Commutation Amount of Rs.3,19,000/-, Settlement Arrears amount Rs.1,35,000/-, Pension Arrears amount Rs.63,000/-, Gratuity Difference amount of Rs.1,65,000/- the total comes to Rs.6,88,000/- [Rupees Six Lakhs and Eighty Eight thousand only] with 18% interest on delayed payment to the petitioner the Special Grade Conductor Staff No.C11626 who has voluntarily retired from service on 28.02.2015.

For Petitioner : Mr.D.Veerasekaran

For R1 : Mr.K.Dhananjayan, Spl.GP

For R2 & R3 : Mr.P.Kannan Kumar

ORDER

By Consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned counsel, accepts notice on behalf of the respondents 2 and 3.

2 The petitioner joined the services of Pallavan Transport Corporation as a Conductor on 19.03.1981 and due to amalgamation with Ambethkar Transport Corporation Limited, it was renamed as the Metropolitan Transport Corporation [Chennai] Limited, and the petitioner got his upgradation as Special Grade Conductor on 01.09.2005 and was relieved from service on acceptance of the request of the petitioner for voluntary retirement on 28.02.2015. According to the petitioner, despite permission was accorded to go on voluntary retirement, his retiral/terminal benefits, such as, EL Surrender Salary, Pension Commutation, Settlement Arrears, Pension Arrears, Gratuity Difference etc., have not been settled and therefore, 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.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel, appearing for the respondents 2 and 3.

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. Uta 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 2nd respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 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 2nd respondent, 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/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

AP
To

1.The Principal Secretary to Government
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Chennai - 9.

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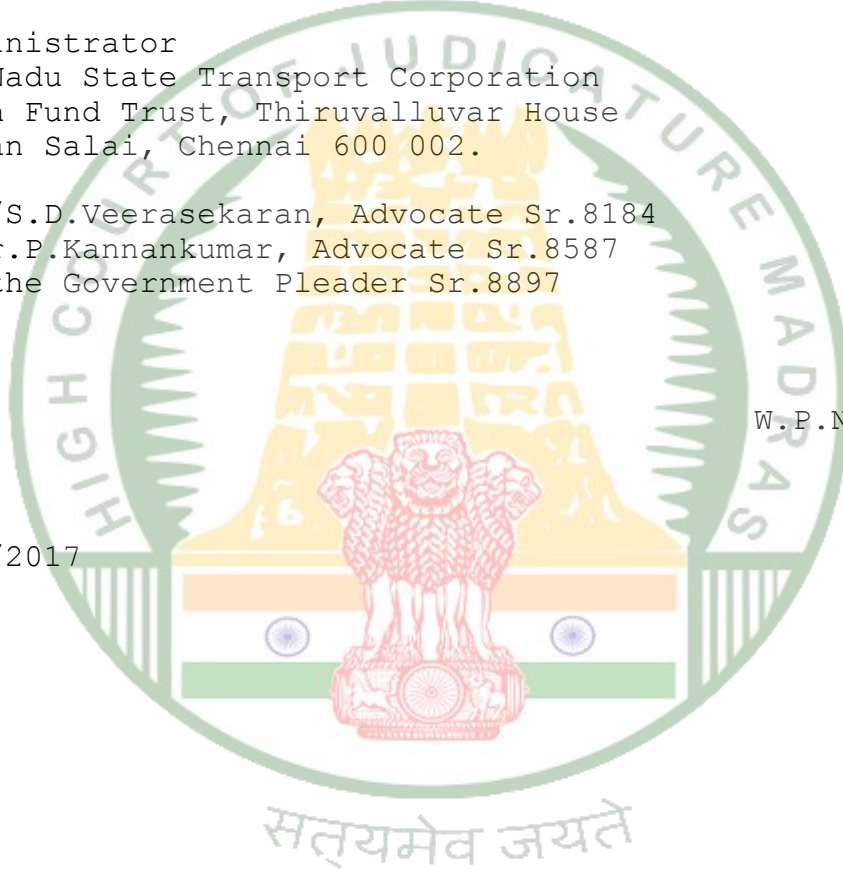
+1cc to M/S.D.Veerasekaran, Advocate Sr.8184

+1cc to Mr.P.Kannankumar, Advocate Sr.8587

+1cc to the Government Pleader Sr.8897

W.P.No.3061/2017

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