

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.868 of 2017

V.Udhayakumar

...Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

...Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent herein to pay the petitioner his retirement benefits with interest to the petitioner as per his representation made to the respondent on 05.11.2016.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Mr.K.Venkataramani,
Additional Advocate General
assisted by Mr.P.Kannan Kumar.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondent.

2. The petitioner has averred that he retired from service as Senior Checking Inspector on 31.01.2013 from the respondent Corporation after completing 40 years of service on attainment of superannuation. According to the petitioner, he is yet to be conferred with the retirement benefits namely, Gratuity arrears amount, Earned leave surrender salary including Medical leave, Dearness allowance arrears and arrears of settlement salary difference from 01.09.2010 till date of retirement etc. In this

regard, he had submitted a representation to the respondent dated 05.11.2016 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 K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kanana Kumar, learned Standing counsel appearing for the 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. Uta 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 respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 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 respondent, apart from paying arrears of pension, shall also continue to pay the monthly pension amount to the petitioner in time without any default.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

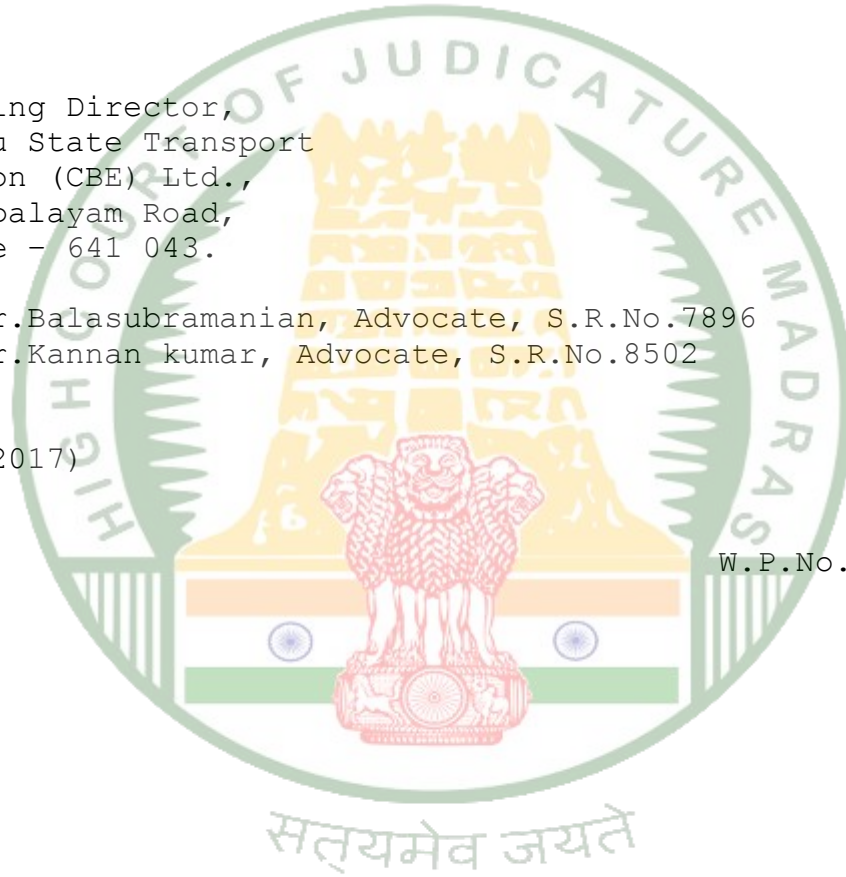
+1cc to Mr.Balasubramanian, Advocate, S.R.No.7896

+1cc to Mr.Kannan kumar, Advocate, S.R.No.8502

SS(CO)

RS(28/02/2017)

W.P.No.868 of 2017



WEB COPY