

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4641/2017

1.B.Dhanasekaran
2.C.Subramani
3.K.Mahadevan
4.V.Duraivelu
5.E.Uthayasureyan

.. Petitioners

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Vazhuthareddy, Villupuram 605002.

2.The General Manager
Tamil Nadu State Transport Corporation
[Villupuram] Ltd., Kancheepuram Division
Karapettai, Kancheepuram 631552.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme, Thiruvalluvar House
Pallavan Salai, Chennai-600002.

.. 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 pay the Gratuity, Earned Leave Wages, Commutation Pension, payable to the petitioners along with interest at 18% per annum till the date of payment by the respondents in an earlier date.

For Petitioners : Mr.V.K.R.Balakrishnan

For RR 1 to 3 : Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannan Kumar, learned Standing counsel accepts notice on behalf of the respondents.

2 The 1st petitioner joined the services of the 2nd respondent / Corporation as a Checking Inspector on 20.06.1989 [Staff No.13765] and on attaining the age of superannuation, he retired from service on 30.09.2015 as Checking Inspector. The 2nd petitioner joined the services of the 2nd respondent / Corporation as a Conductor on 15.06.1992 [Staff No.62448] and on attaining the age of superannuation, he retired from service on 31.05.2015 as a Special Grade Conductor. The 3rd petitioner joined the services of the 2nd respondent / Corporation as a Driver on 11.09.1987 [Staff No.41145] and on attaining the age of superannuation, he retired from service on 31.01.2016 as a Selection Grade Driver. The 4th petitioner joined the services of the 2nd respondent / Corporation as a Tradesman on 06.04.1981 [Staff No.20440] and on attaining the age of superannuation, he retired from service on 31.05.2016 as a Selection Grade Tradesman. The 5th petitioner joined the services of the 2nd respondent / Corporation as a Driver on 01.08.1985 [Staff No.42575] and on attaining the age of superannuation, he retired from service on 31.10.2015 as a Selection Grade Driver. According to the petitioners, at the time of their retirement, they are entitled to the retiral/terminal benefits such as Gratuity, Commutation and Surrender Leave etc., and since the said benefits have not been disbursed, they had submitted individual representations dated 23.03.2016 ; 10.12.2016 ; 10.12.2016; 21.10.2016 and 10.12.2016 and despite receipt and acknowledgment, no orders have been passed and hence, the petitioners came forward to file the present writ petition.

3 The learned counsel appearing for the petitioners 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.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

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 1st respondent is directed to settle the retiral/terminal benefits to each of the petitioners 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 1st respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioners without any default.

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

AP

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation [Villupuram] Ltd.,
Vazhuthareddy, Villupuram 605002.

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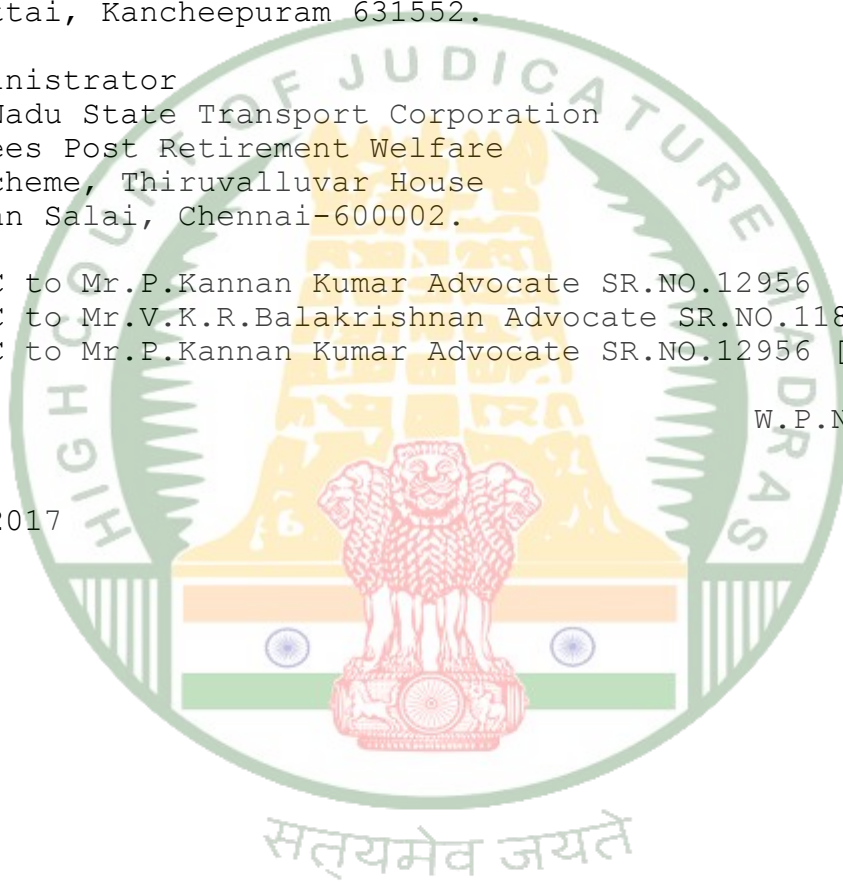
+1 CC to Mr.P.Kannan Kumar Advocate SR.NO.12956

+1 CC to Mr.V.K.R.Balakrishnan Advocate SR.NO.11836

+1 CC to Mr.P.Kannan Kumar Advocate SR.NO.12956 [27/03/2017]

W.P.No.4641/2017

MSM[CO]
MK:08/03/2017



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