

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.466 of 2017

P.Thangavel

..Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram.

2.The Administrator,
Tamilnadu 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 disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Social Security Scheme benefits, Labour Welfare Fund, Engineering & Medical College Share amount and D.A. Arrears amount and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 18% per annum with effect from 01.02.2014 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.A.G.Rajan
For Respondents : Mr.K.Venkataramani,
Additional Advocate General,
assisted by
Mr.P.Kannan Kumar
Standing Counsel for Transport
Corporation

O R D E R

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

2. The petitioner joined the service as Conductor in the respondent Transport Corporation on 01.05.1986 and he retired

from service as Selection Grade Senior Conductor on 31.01.2014 on attaining the age of superannuation. The grievance expressed by the petitioner is that though he has retired as early as on 31.01.2014, the retiral/terminal benefits such as Gratuity, Leave Encashment (Earned Leave and Old Medical Leave), Social Security scheme benefits, Labour Welfare Fund, Engineering and Medical College share amount and D.A. Arrears amount have not been settled. In this regard, the petitioner has also submitted a representation dated 12.04.2016 to the respondents and since no orders have been passed, he 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 Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing Counsel appearing for the respondents/Transport Corporation.

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 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 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. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram.

2.The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

+1cc to Mr..A.G. Rajan Advocate SR. 9126

+1cc to Mr. P. KannanKumar Advocate SR. 9324

W.P.No.466 of 2017

ALA(CO)
VR(23/02/2017)