

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5828 of 2017

S. Balasundaram

...Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vellore Region,
Vellore-632 009.

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

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the Respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 20.06.2014 within the stipulated time as may be fixed by this hon'ble Court.

For petitioner
For respondents

Mr. G.Sakthivel
Mr. P.Paramasivadoss
Standing Counsel

ORDER

Mr. P.Paramasivadoss, learned Standing Counsel, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been filed seeking a writ of mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 20.06.2014 within a stipulated time.

3 The petitioner joined the service of the respondent-Transport Corporation as daily Paid Conductor on 04.10.1988. He was confirmed as Regular Conductor with effect from 26.08.1989 and he opted to retire voluntarily on 20.06.2014, when he was working as Selection Grade Conductor. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 23.11.2016 to the first respondent, but, to no avail. Hence, he has preferred this writ petition for the relief, as aforestated.

4 In W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and 3 others], involving similar set of facts, as obtaining in this case, a Division Bench of the Madurai Bench of Madras High Court, by order dated 12.06.2015, has directed payment of terminal benefits in 12 equal monthly instalments with interest at the rate of 6% p.a. The relevant portion of the said order reads thus:

"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."

5. Following the same, the first respondent is directed to disburse the petitioner's retirement benefits, if any, on the basis of his representation dated 23.11.2016, in twelve equal monthly instalments and the first instalment shall commence from the first week of May 2017.

The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
- 2.The General Manager,
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+1cc to Mr.G. Sakthivel, Advocate Sr. 15648

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KGK (CO)
VR(27/03/2017)