

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4866/2017

M.Chitrambalam

... Petitioner

Vs

1.The Principal Secretary
Government of Tamil Nadu
Transport Department,
Secretariat, Fort St George
Chennai 600 009.

2.The Managing Director
Tamil Nadu State Transport Corporation
[VPM] Ltd., 3/137, Salamedu
Valuthareddy Post, Villupuram 605602.

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 to settle the petitioner's terminal benefits namely Gratuity, Encashment of Leave Salary [EL], DA Arrears, Pension Commutation, Settlement Arrears, Social Welfare Scheme, Subscription amount of Engineering and Medical College, PF Arrears, pending salary for 10 days, pension DA Arrears and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.01.2017, the date of retirement to til the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in WA[MD] Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : M/s.T.Fenn Walter Associates

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

For RR2 & 3 : 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 the erstwhile Thanthai Periyar Transport Corporation Ltd., as a Conductor on 20.03.1986 and after amalgamation and merger, the said Corporation became the Tamil Nadu State Transport Corporation [Villupuram] Limited and the services of the petitioner were absorbed in the said Corporation and at the time of retirement on 31.01.2017, he was working as a Special Grade Conductor. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Gratuity, DA Arrears, Settlement Arrears, Pension DA Arrears, Pension Commutation, Subscription amount of Engineering and Medical College, Social Welfare Scheme, Encashment of Leave Salary [EL], PF arrears, Pending Salary for 10 days and other monetary benefits etc., the same have not been settled and in this regard, he had submitted a representation to the respondent dated 07.02.2017 and despite receipt and acknowledgment, no orders have been passed and hence, 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. 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 2nd respondent is directed to settle the retiral/terminal benefits to the petitioner 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 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(CS IV)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Principal Secretary
Government of Tamil Nadu
Transport Department,
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Chennai 600 009.
- 2.The Managing Director
Tamil Nadu State Transport Corporation
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- 3.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

+2cc to Mr.P.Kannankumar, Advocate Sr.13332
+1cc to Mr.T.Fenn Walter Associates, Advocate Sr.12896
+1cc to the Government Pleader Sr.13056

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