

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2017

CORAM:
THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5952 of 2017

A. Damodaran

Petitioner

vs.

- 1 The Government of Tamil Nadu
represented by the Secretary
Transport Department
Secretariat, St. George Fort
Chennai 600 009
- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Vazhuthareddy, Villupuram 605 602
- 3 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Kancheepuram Region
Kancheepuram
- 4 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 settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, RBS Arrears, settlement arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.11.2013 to till the date of actual payment to the petitioner within a stipulated time.

For petitioner Mr. M. Selvam
For R1 Mr. N. Sakthivel, Govt. Advocate
For RR 2 to 4 Mr. S. Sairaman, Standing Counsel

ORDER

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the first respondent. Mr. S. Sairaman, learned Standing Counsel, accepts notice for respondents 2 to 4. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been preferred seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, RBS Arrears, settlement arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.11.2013 till the date of actual payment to the petitioner, within a stipulated time.

3 The petitioner joined the service of the respondent-Transport Corporation as Conductor on 01.09.1979 and he retired as Checking Inspector on reaching the age of superannuation on 30.11.2013. However, he was not paid with the aforesaid benefits. Ergo, the petitioner has addressed a representation dated 06.02.2017 to the second 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 second respondent is directed to disburse the petitioner's retirement benefits, if any, on the basis of his representation dated 06.02.2017, in twelve equal monthly instalments and the first instalment shall commence from the first week of April 2017.

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

-s/d-
Assistant Registrar(CSV)

True Copy सत्यमेव जयते
Sub-Assistant Registrar

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

WEB COPY

2 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.
Vazhuthareddy
Villupuram 605 602

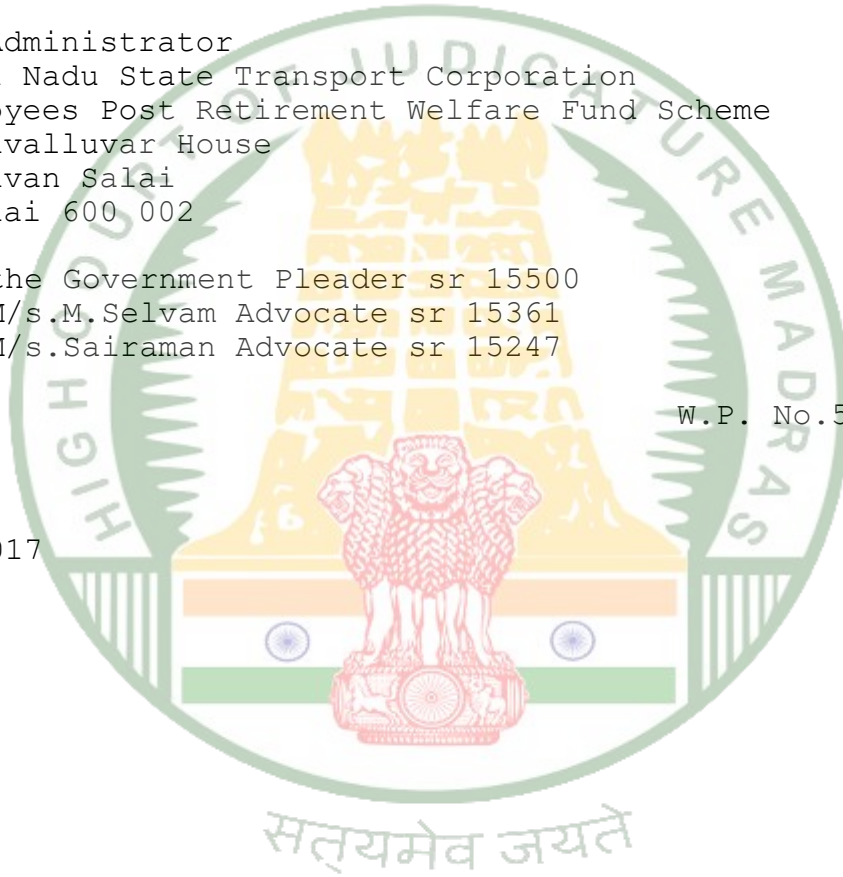
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+1 cc to the Government Pleader sr 15500
+1 cc to M/s.M.Selvam Advocate sr 15361
+1 cc to M/s.Sairaman Advocate sr 15247

W.P. No.5952 of 2017

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