

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.494 of 2017

G.Narayanan

..Petitioner

Vs

1.Metropolitan Transport Corporation Ltd.,
Rep. by : The Managing Director,
Pallavan House, Pallavan Salai,
Chennai-600 002.

2.Metropolitan Transport Corporation Ltd.,
Rep. by : The General Manager,
Pallavan 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 retirement benefits that includes leave salary, Pay Revision Arrears, Pension Arrears, IRT contribution amount and medical college contribution amount that are payable to the petitioner and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Court by considering and passing orders on the representation of the petitioner dated 21.12.2016.

For Petitioner : Mr.N.Ishak

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 as a Helper in the then Tamil Nadu Goods Transport Corporation Ltd., on 20.10.1983 and then transferred to Ranimangammal Transport Corporation Limited, Dindigul and then to Pattukottai Azhagiri Transport Corporation Limited, Vellore and the petitioner was promoted as Senior Tradesman in the services of the respondents and retired from service 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 Leave Salary Pay, Revision Arrears, Pension Arrears, IRT contribution amount and Medical College contribution amount etc., have not been settled. In this regard, the petitioner has also submitted a representation dated 21.12.2016 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,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Pallavan Salai,
Chennai-600 002.

2.The General Manager,
Metropolitan Transport Corporation Ltd.,
Pallavan House, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.N. Ishak Advocate, SR.NO. 8761

+1cc to Mr.P. Kannankumar Advocate, SR.NO. 9323

W.P.No.494 of 2017

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