

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:28.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.4954 of 2017

1.Meenambal
2.Kirubasankari
3.Narasammal

.. Petitioners

Vs

The General Manager,
Tamilnadu State Transport Corporation
Limited (Coimbatore),
Erode Regional Office,
Chennimalai Road, Erode.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to disburse the payment relating to gratuity, surrender leave salary i.e. Earned leave balance as on 30.06.2013, earned leave encashment, social welfare fund, IRTT amount and other monetary benefits relating to the deceased Shenreddy to the petitioners by calculating DA eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.07.2013 within stipulated time.

For Petitioners : Mr.I.C.Vasudevan

For Respondent : Mr.P.Kannan Kumar

O R D E R

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

2. The 1st petitioner's husband Shenreddy joined the service as a Driver in the respondent Corporation on 22.11.1986 and was promoted as Selection Grade Driver and retired from service on 30.06.2013 on attaining the age of superannuation. The grievance expressed by the petitioners is that though her husband has retired as early as on 30.06.2013, the retiral/terminal benefits such as gratuity, surrender leave salary i.e. Earned leave balance as on 30.06.2013, earned leave encashment, Social Welfare Fund, IRTT amount and other monetary benefits relating to her husband have not been settled. In this regard, the petitioners have also submitted a representation dated 03.12.2016 to the respondent and since no orders have been passed, they came forward to file the present writ petition.

3. The learned counsel appearing for the petitioners 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.P.Kannan Kumar, learned Standing Counsel, who accepts notice on behalf of the respondent/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. Uta 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 respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 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 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. This Writ Petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

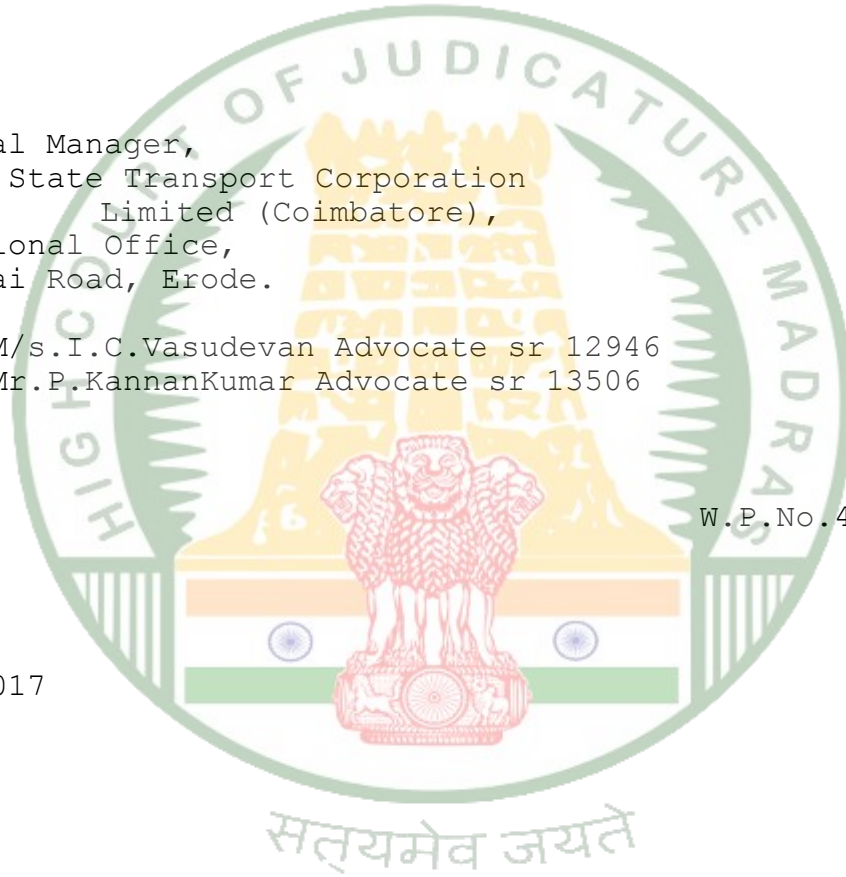
To

The General Manager,
Tamilnadu State Transport Corporation
Limited (Coimbatore),
Erode Regional Office,
Chennimalai Road, Erode.

+1 cc to M/s.I.C.Vasudevan Advocate sr 12946
+1 cc to Mr.P.KannanKumar Advocate sr 13506

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