

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3116 of 2017

G.Radha

..Petitioner

Vs

1. Government of Tamil Nadu
rep. by Secretary to Government,
Transport Department and
Chairman of Board of Directors
of State Transport Undertaking,
Secretariat,
Chennai - 600 009.
 2. The Administrator,
Tamil Nadu State Transport,
Corporation Pension and Trust,
Pallavan Salai,
Chennai - 600 002.
 3. Tamil Nadu State Transport Corporation (TNSTC)
Rep. by its Managing Director,
No.12, Ramakrishna Road,
Salem - 636 007.
 4. Tamil Nadu State Transport Corporation (TNSTC),
Rep. by tis General Manager,
TNSTC Salem Division II, (Dharmapuri Division),
Salem Main Road, Bharathipuram,
Dharmapuri - 636 705.
- .. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to settle the entire terminal benefits of the petitioner husband namely late P.Gunasekaran (DR 6387) to her, including gratuity, pension arrears and provident fund amount and to disburse the arrears with interest at the rate of 18% per annum from the date when the payment became due till the date of payment to the petitioner within a stipulated time frame in view of the petitioner representation dated 19.12.2016.

For Petitioner : Mr.A.Esakkiappan

For Respondent : Mr.K.Dhananjayan,
Spl.Govt.Pleader for R1
Mr.R.K.Gandhi for R2 to R4

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.R.K.Gandhi, learned Standing Counsel accepts notice on behalf of the respondents 2 to 4.

2. The husband of the petitioner namely P.Gunasekaran was appointed as a Dirver in the service of the Tamil Nadu State Transport Corporation on 09.10.1997 and his employment Number is DR 6387 and during the course of his employment, the bus driven by him met with an accident on 06.08.2015 and he was admitted in the hospital and the petitioner claims to have incurred medical expenses to the tune of Rs.15,00,000/- and subsequently, the husband of the petitioner died on 17.09.2015. The petitioner had approached the 3rd respondent for disbursement of retirement/terminal benefits as well as the family pension but she was issued which a cheque of Rs.1,50,000/- for family safety amount and still the respondents have to settle the entire terminal benefits including gratuity, pension arrears, provident fund amount etc. In this regard, she had submitted a representation to the respondent dated 19.12.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submissions of Mr.k.Dhananjayan, learned Special Government Pleader appearing for the first respondent and Mr.R.K.Gandhi, learned Standing Counsel appearing for the respondents 2 to 4 .

4. The Division Bench of this Court in Writ Appeal[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] has considered the similar issue and by a common judgment dated 12.06.2015, has passed the following order.

"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 (9) 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. In the light of the above facts and circumstances, the 3rd respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 2017 with interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The 3rd respondent, apart from paying arrears of pension, shall also continue to pay the monthly pension amount to the petitioner in time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

sd/

Assistant Registrar (CCC)

/true copy/

सत्यमेव जयते
Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
Transport Department and
Chairman of Board of Directors
of State Transport Undertaking,
Secretariat,
Chennai - 600 009.

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2. The Administrator,
Tamil Nadu State Transport,
Corporation Pension and Trust,
Pallavan Salai,
Chennai - 600 002.
3. The Managing Director,
Tamil Nadu State Transport Corporation (TNSTC)
No.12, Ramakrishna Road,
Salem - 636 007.
4. The General Manager,
Tamil Nadu State Transport Corporation (TNSTC),
TNSTC Salem Division II, (Dharmapuri Division),
Salem Main Road, Bharathipuram,
Dharmapuri - 636 705.

+1cc to Government Pleader SR.No.8883

+1cc to Mr.A.Esakkiappan, Advocate SR.No.7942

W.P.No.3116 of 2017

NRI (CO)
GN(24/02/2017)



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