

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3130/2017

A.Thangamani

.. Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Coimbatore),
37, Mettupalayam Road,
Corporate Office, Coimbatore.

2.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement
Welfare Fund Scheme,
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 disburse the payments relating to Provident Fund, Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, Surrender Leave Salary i.e. Earned leave balance as on 31.05.2014, balance dearness allowance, pension dearness allowance arrear, surrender medical leave salary upto 01.09.1998 which was already surrendered, IRTT amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.06.2014 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Kannan Kumar, learned Standing counsel accepts notice on behalf of the respondents.

2.The petitioner joined the services of the Tamil Nadu State Transport Corporation on 01.09.1993 and on attaining the age of superannuation, he retired from service on 31.05.2014

as a Cleaner. According to the petitioner, at the time of his retirement, he is entitled to the retiral/terminal benefits such as Provident Fund, Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, Surrender leave salary i.e. Earned leave balance, balance dearness allowance, pension dearness allowance arrear, surrender medical leave salary, IRTT. etc. Since the said benefits have not been disbursed, he had submitted a representation to the 1st respondent dated 29.11.2016. Despite receipt and acknowledgment, no orders have been passed and hence, 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 the submissions of Mr.I.C.Vasudevan, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned Standing counsel appearing on behalf of the respondents.

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 W.P.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.

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 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 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/-

Asst. Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Coimbatore),
37, Mettupalayam Road,
Corporate Office, Coimbatore.

2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+1cc to M/S. I.C. Vasudevan, Advocate SR. 8246

+1cc to Mr.P. KannanKumar, Advocate SR. 8589

W.P.No.3130/2017

NRI (CO)
VR(7/3/2017)