

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3249 of 2017

R.Arivalagan

..Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
12, Ramakrishna Salai,
Salem- 636 007.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 02.01.2017 seeking Retired monetary benefits, Gratuity, Employee Provident Fund, Welfare Fund 12(3) Settlement Arrears, Basic Pay, Earnest Leave Arrears of salary amount and Dearness Allowance, Service benefits, Pension, Bonus, Society fund, Security Fund, surrendered medical leave accrued in his credit so far in accordance with law.

For Petitioner : Mr.A.Ganesan

For Respondent : Mr.P.Paramasivadoss.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Paramasivadoss, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondent.

2. The petitioner has averred that he was working in the respondent Corporation as Senior Technician and his employment Number is TN 1225 and he retired from service on 31.03.2016. According to the petitioner, he is yet to be conferred with the retirement benefits namely, Gratuity, Employee Provident Fund, Welfare Fund, 12(3) settlement arrears, basic Pay, Earned leave arrears of salary amount and Dearness Allowance, Service benefits, Pension, Bonus, Society fund, Security Fund, Surrendered Medical Leave accrued in his credit so far. In this regard, he had submitted a representation to the respondent dated 02.01.2017 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.P.Paramasivadoss, learned

Standing counsel appearing for the respondent.

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. Utta 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 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 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.

09.02.2017

vsi

To

The Managing Director,
Tamil Nadu State Transport

Corporation Ltd.,
12, Ramakrishna Salai,
Salem- 636 007.

M.SATHYANARAYANAN, J.,

vsi

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