

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3258 of 2017

P.Dharmalingam

...Petitioner

Vs

- 1.The Principal Secretary to Government,
Transport Department,
Fort St.George,
Chennai - 600 009.
 2. The Managing Director,
Metropolitan transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.
 3. The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
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 2nd and 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.3,66,000/-, Pension commutation amount of Rs.3,40,000/-, difference in gratuity amount of Rs.1,74,000/- IRT contribution amount Rs.4,600/- and Settlement Arrears amount of Rs.1,50,000/-, the total comes to Rs.10,34,600/- (Rupees Ten lakhs thirty four thousand and six hundred only) with 18% interest on delayed payment to the petitioner, the Selection grade Material handler Staff No.A04053 who has retired from service on 30.11.2014.

For Petitioner : Mr.D.Veerasekaran(in all cases)
K.Dhananjayan for R1

For Respondents: Mr.P.Kannan Kumar for R2 & R3
Standing Counsel
Transport Corporation.(in all cases)

ORDER

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

2. The petitioner joined the service of the Pallavan Transport Corporation as a Material Handler on 14.06.1983 and after amalgamation of Ambedkar Transport Corporation Limited with Pallavan Transport Corporation Limited, the then Corporation was renamed as Metropolitan Transport Corporation (Chennai) Ltd.. The petitioner got upgraded as Selection Grade Material Handler on 01.06.2012 and after completion of 31 years of service he retired on superannuation on 30.11.2014. According to the petitioner, on his retirement, he is entitled to terminal / retirement benefits such as E.L.Surrender salary, Settlement arrears, Pension Commutation, gratuity difference amount, IRT contribution amount with interest of 18% on delayed payment but he is not conferred with the said benefits and hence, came forward to file the present writ petition.

3. Heard the submissions of learned counsel for the petitioner and Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

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 2nd 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 2nd 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

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.
3. The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002.

+1cc to Mr.Veerasekaran, Advocate, S.R.No.8494
+1cc to MR.Kannan kumar, Advocate, S.R.No.8999 (14/03/2017)
+1cc to Government SR.No.8871
NR(CO)
RS(01/03/2017)

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