IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3301/2017

S.Thanupillai .. Petitioner

Vs

The Managing Director,
State Express Transport Corporation
No.2, Pallavan Salai, Chennai 600 002. .. 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 settle the terminal benefits of the petitioner, surrender of Earned Leave of 230 days amount of Rs.2,06,480/- and Social Security Scheme of Rs.35,000/- and altogether a sum of Rs.2,41,480/- with interest at the rate of 6% per annum taking into consideration of petitioner representation dated 30.01.2017.

For Petitioner : Mr.D.Soundarraj

For Respondent : Mr.P.Kannan Kumar

ORDER

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

2 The petitioner was appointed as a Junior Tradesman in the respondent / Transport Corporation on 01.11.1986 and after putting in 27 years of service, he retired from services on 31.05.2013 as a Selection Grade Senior Tradesman [Staff No.6370]. According to the petitioner, at the time of his retirement, he is entitled to the retiral/terminal benefits such as Earned Leave, Medical Leave, Social Security Scheme etc., and since the said benefits have not been disbursed, he had submitted a representation to the respondent dated 30.01.2017 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

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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.P.Kannan Kumar, learned Standing counsel appearing for the respondent.

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. 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.
>
> 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

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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 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/

Assistant Registrar(J)

/true copy/

Sub Assistant Registrar

AP

To

The Managing Director,
State Express Transport Corporation
No.2, Pallavan Salai, Chennai 600 002.

+1cc to Mr.D.Soundarraj, Advocate SR.No.8547
+1cc to Mr.P.Kannan Kumar, Advocate SR.No.9318(14/03/2017)

W.P.No.3301/2017

KJ(CO)
GN(02/03/2017)

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