

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1332 of 2017

P.Prabakaran

... 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,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvallurvar-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., Settlement Arrears Amount of Rs.60,000/- Earned Leave Salary amount of Rs.2,10,000/-, Pension Commutation Difference amount of Rs.1,11,000/- and Gratuity Difference amount of Rs.2,01,000/- total comes to Rs.5,82,000/- (Rupees Five Lakhs Eight Two Thousand only) as directed by the Transport in G.O.(MS)No.61 dated 30.04.2015 with 18% interest on delayed payment to the petitioner the Driving Instructor who has retired from service on 31.10.2013.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.K.Venkataramani,
Additional Advocate General,
Assisted by Mr.K.Dhananjayan,
Special Government Pleader for R1
Mr.P.Kannankumar for R2 & R3.

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner joined as Driver in the services of the then Pallavan Transport Corporation on 25.10.1980 and after amalgamation, it became Metropolitan Transport Corporation (Chennai) Ltd., and the services of the petitioner has been absorbed to the said Corporation and after completing 32 years of service, he was promoted as Driving Instructor on 01.04.2008 and retired on 31.10.2013. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Settlement Arrears, Earned Leave Salary, Pension Commutation Difference Amount and Gratuity Difference Amount, the same have not been settled and hence, the petitioner 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.K.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice on behalf of the first respondent and Mr.P.Kannankumar, learned Standing counsel who accepts notice on behalf of respondents 2 and 3 .

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.133245/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 respondents are directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June, 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 respondents, 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(CS IV)

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Sub Assistant Registrar

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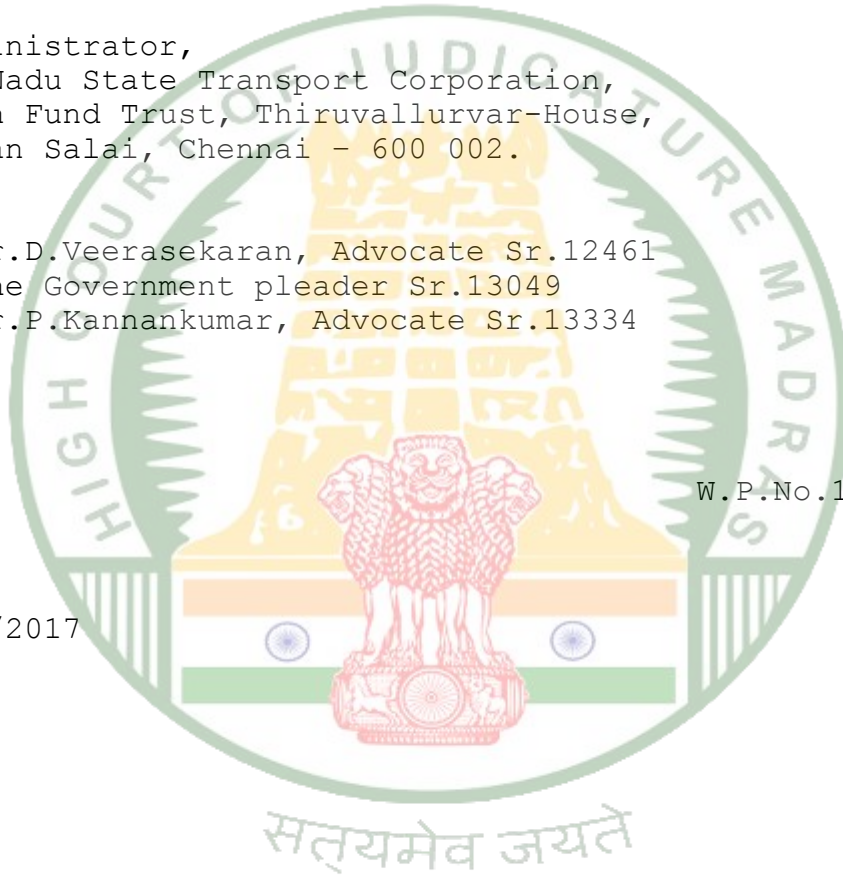
To

- 1.The Principal Secretary to Government,
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- 2.The Managing Director,
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Chennai- 600 002.
- 3.The Administrator,
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Pension Fund Trust, Thiruvallurvar-House,
Pallavan Salai, Chennai - 600 002.

+1cc to Mr.D.Veerasekaran, Advocate Sr.12461
+1cc to the Government pleader Sr.13049
+2cc to Mr.P.Kannankumar, Advocate Sr.13334

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