

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1342 of 2017

N. Purushothaman

..Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd., Vazhuthareddy,
Villupuram - 605 602
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram
3. 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 to direct the respondents to disburse the payments relating to gratuity, pension Commutation, leave encashment, Earned Leave, Pension arrears and settlement arrears amount from 01-09-2013 by calculating Dearness Allowance (DA) eligible as per newly implemented Scheme, with interest at 12% p.a with effect from 01-09-2016 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.S. Srinivasa Narayanan

For Respondents : Mr.K. Venkataramani
Addl. Advocate General
assisted by Mr.P.Kannan Kumar

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by 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 respondent Transport Corporation as a Conductor on 11.04.1994 and retired from service as a Special Grade Conductor on 31.08.2016. According to the petitioner, he is yet to be conferred with the retiral/terminal benefits such as Gratuity, Pension, commutation, leave encashment, applicable Dearness allowance, pension arrears and settlement arrears amount. In this regard, he had submitted a representation to the respondent dated 16.12.2016 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 K.Venkataramani, learned Additional Advocate General assisted by 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. 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 1st respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June 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 1st 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd., Vazhuthareddy,
Villupuram - 605 602
2. The General Manager,
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Chennai - 600 002

+1 CC to Mr.S. Srinivasa Narayanan, Advocate Sr.No.11474

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GJII(CO)
KP(07.03.2017)