

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1366 of 2017

C. Rajendran

..Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Coimabtoe) Limited,
37, Mettupalayam Road,
Coimbatore - 641 043

2. The Administrator,
Tamil Nadu State Transport
Corporation (Coimbatore) Limited,
Erode Region,
Chenimalai Salai,
Erode

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to disburse the terminal benefits of the petitioner herein namely Gratuity, commutation, ERBS (Employees Retirement Benefit Scheme), pension arrears, surrender leave salary i.e., earned leave salary D.A (dearness allowance) arrears and pension DA (dearness allowance) arrears with interest at 18% per annum with effect from 01.07.2016 in accordance with law within a time frame that may be fixed by this Court.

For Petitioner : Mr.J. Franklin

For Respondents: Mr.K. Venkataramani
Addl. Advocate General
assisted by
Mr.P. Kannan Kumar,
Standing Counsel for
Transport Corporation

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 Driver on 19.07.1990 and his Employment Number is J08875 and he retired from service as a Helper on 30.06.2016. According to the petitioner, he is yet to be conferred with the retiral/terminal benefits such as Gratuity, commutation, ERBS (Employees Retirement Benefit Scheme), pension arrears, surrender leave salary, D.A. arrears and pension DA arrears. In this regard, he had submitted a representation to the respondents dated 01.07.2016 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 on 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 (Coimabtoe) Limited,
37, Mettupalayam Road, Coimbatore - 641 043

2. The Administrator,
Tamil Nadu State Transport Corporation (Coimbatore)
Limited, Erode Region, Chenimalai Salai, Erode.

+1 CC to Mr.J. FranklinMr., Advocate Sr.No.11522

+1 CC to P. Kannan Kumar, Advocate Sr.No.11647

W.P.No.1366 of 2017

GJII(CO)
KP(07.03.2017)