

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1389 of 2017

Kowsalya

..Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007

..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to pay the death benefits such as Provident Fund, Gratuity and other benefits payable to the petitioner with interest on account of the death of her husband Mr.Jayapal (CR1543) working as Selection Grade Senior Conductor under the respondent .

For Petitioner : Mr.A.Nagarathinam
For Respondent : Mr.K. Venkataramani
Addl. Advocate General
assisted by
Mr.R.K. Gandhi
Standing Counsel for
Transport Corporation.

सत्यमेव जयते
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.R.K. Gandhi, learned Standing Counsel for Transport Corporation accepts notice on behalf of the respondent.

2. The husband of the petitioner, namely, Jayapal, has entered in the service of the respondent Corporation as a Conductor on 01.09.1986 and at the time of his retirement on 31.03.2014, he was working as Selection Grade Senior Conductor. According to the petitioner, she is yet to be conferred with the retiral/terminal benefits such as Gratuity, Provident Fund etc. of her husband. In this regard, she had submitted a

representation to the respondent dated 27.12.2016 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.R.K.Gandhi, 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 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 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

To

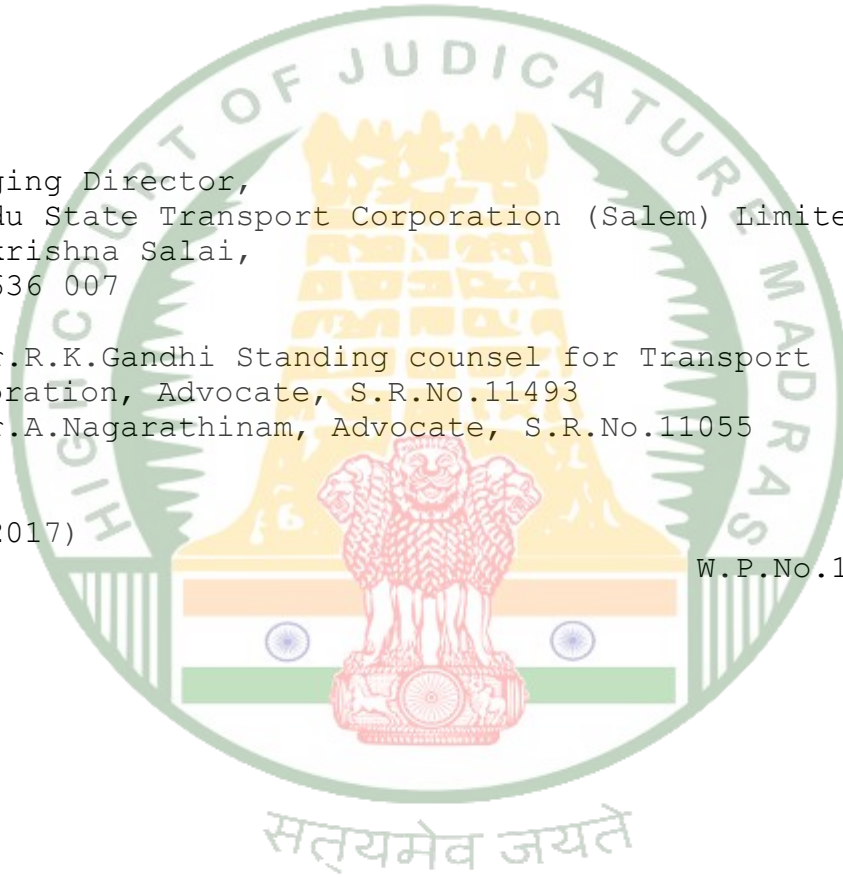
The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Salai,
Salem - 636 007

+1cc to Mr.R.K.Gandhi Standing counsel for Transport
Corporation, Advocate, S.R.No.11493

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.11055

NMJ(CO)
RS(08/03/2017)

W.P.No.1389 of 2017



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