

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2408 of 2017

P.Chandrasekaran

..Petitioner

Vs.

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
 - 2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, DA arrears, ERBS Pension and Pension arrears and in other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 30.11.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.V.Dhandapani

For Respondents : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.P.Kannankumar.

O R D E R

By consent, this writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate

General, assisted by Mr.P.kannankumar, learned Standing Counsel accepts notice on behalf of respondents 1 to 3.

2. The petitioner joined the service of the then Thanthai Periyar Transport Corporation, Villupuram Ltd., at Chidambaram Depot as a Security Guard on 22.08.1985 and retired from service, on attaining of age of superannuation, on 30.11.2012 and at that time, he was working as Special Grade Security Guard at Cuddalore Depot and was drawing a salary of Rs.24,200/- per month. According to the petitioner, at the time of his retirement, he is entitled to terminal benefits like Gratuity, DA arrears, ERBS Pension and Pension arrears and in this regard, has also submitted a representation dated 23.01.2017 to the respondents and despite receipt and acknowledgment, it is yet to be disposed of and hence, came forward to file this Writ Petition.

3. The learned counsel appearing for the petitioner would submit that a Division Bench of this Court in the common judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others], had directed the payment of terminal benefits in 12 equal monthly installments, carrying interest at the rate of 6% p.a. and also in the event of non payment, the interest payable would become 18% p.a. and prays for appropriate orders.

3. This Court heard the submission of Mr.K.Venkataramani, learned Additional Advocate General, assisted by Mr.P.Kannankumar, learned Standing Counsel appearing for respondents 1 to 3.

4. This Court has considered the similar issue in the order dated 19.01.2017 made in W.P.No.42555 of 2016 [A.Annamalai Vs. The Manaing Director, Tamil Nadu State Transport Corporation Limited, Salem] and it is also relevant to extract the common judgment passed in the above cited judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others]:

"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."

5. In the light of the above facts and circumstances, this Court directs the respondents 1 to 3 to settle the retirement/terminal benefits in 12 equal monthly installments and the first installment shall commence from May 2017 and continues to be paid without any default with interest at the rate of 6% p.a. and in the event of non payment, the interest payable would become 18% p.a. and shall continue to pay the monthly pension amount to the petitioner without any default.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,

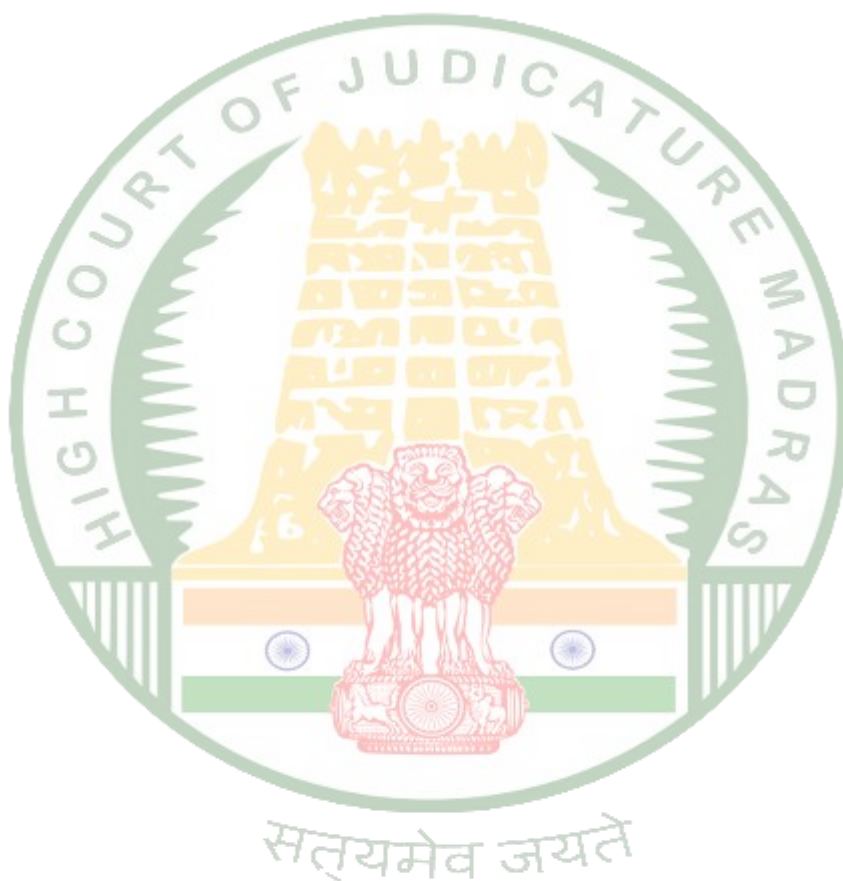
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/S. V. Dhandapani, Advocate (SR.NO.6306)

+2cc to M/S. P. Kannan Kumar, Advocate (SR.NO6883)

Writ Petition No.2408 of 2017

RSK(CO)
VR(15/02/2017)



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