

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3504 of 2017

B.Kalaivani

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road,
Post Box No.713, Salem - 636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
12, Ramakrishna Road,
Post Box No.713, Salem - 636 007.

3.The Administrator,
Tamil Nadu State Transport Corporations
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 praying for issuance of a Writ of Mandamus directing respondents herein to settle payment of Gratuity, earned leave, Commutation of pension, employees retirement benefit scheme (ERBS), DA arrears and other benefits of petitioner's husband payable to the petitioner with reasonable rate of interest within the time frame.

For Petitioner : Mr.A.Rajkumar
For Respondents : Mr.R.K.Gandhi

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner is the wife of Late Boopathy, who was employed as a Conductor (CR 3174) in the services of the Tamil Nadu State Transport Corporation (Salem) Limited. He died in harness on 26.06.2016. The petitioner would further aver that though the petitioner's husband has died on 26.06.2016, the

retirement/terminal benefits such as Gratuity, Earned Leave benefits, Commutation of pension, Employees Retirement Benefit Scheme, Dearness Allowance as well as Family pension have not been settled and hence, came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to 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] and would submit that in similar facts and circumstances, a Division Bench of this Court has directed settlement of terminal benefits, in 12 equal monthly installments, with interest at the rate of 6% per annum and for default, interest at the rate of 18% per annum and prays for similar orders.

4.Heard the submissions of the learned counsel appearing for the petitioner and Mr.R.K.Gandhi, learned Standing Counsel who accepts notice for the Transport Corporation.

5.It is relevant to extract the orders passed in W.A.No. (MD)Nos.383 to 457 of 2015:

"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."

6.In the light of the above facts and circumstances, this Court directs the respondents to settle the retirement/terminal benefits due and payable to the petitioner in 12 equal monthly installments and the 1st installment shall commence from May 2017 payable with interest at the rate of 6%

per annum and for default, interest at the rate of 18% per annum. The Administrative Department shall ensure that there is no default as to the compliance of the orders passed by this Court in this regard. It is also made clear that neither the Transport Corporation nor the Administrative Department shall drive the retired employees to approach this Court for similar relief and in the light of the fact that the above orders equally binds them shall make every endeavour to pass similar orders at least on the date of retirement of the employees. It is further made clear that the non compliance of the order passed by this Court may visit the concerned respondents with grave consequences by way of contempt proceedings.

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

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
12, Ramakrishna Road,
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Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+ 1 cc to Mr.A. Rajkumar, Advocate Sr.9234

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GJII(CO)
EU 27.2.17