

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3651 of 2017

S. Muthukrishnan

..Petitioner

Vs

1. The Government of Tamil Nadu,
Rep by the Secretary,
Transport Department,
Secretariat,
St. George Fort,
Chennai - 600 009
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited
Tirunelveli
3. The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagarcoil Region, Nagarcoil
4. 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 settle the petitioner's retirement benefits including Gratuity, Leave Surrender (Earned Leave & Medical Leave), DA arrears, Settlement arrears, Provident Fund and Commutation 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., 31.05.2014 to till date of actual payment to the petitioner within the time

that may be stipulated by this Court.

For Petitioner : Mr.T. Senthil Velmurugan

For R.1 : Ms.M.E. Raniselvam, Addl.G.P.

For R.2 to R.4 : Mr.P. Kannankumar

O R D E R

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Raniselvam, learned Additional Government Pleader accepts notice on behalf of the first respondent and Mr.P.Kannan Kumar, learned Standing counsel accepts notice on behalf of the respondents 2 to 4.

2. The petitioner joined the service in the Tamilnadu State Transport Corporation as Record Clerk on 25.11.1987 and he retired from service on 31.05.2014 as SL Record Clerk and was drawing a monthly salary of Rs.29,099/- at the time of his retirement. The grievance expressed by the petitioner is that though he retired from service as early as on 31.05.2014, the retiral/terminal benefits such as Gratuity, EL Surrender, M.L. Surrender, D.A. arrears, Settlement arrears, Provident Fund, Commutation have not been paid. In this regard, he had submitted a representation to the 1st respondent dated 04.02.2017 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 Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents 2 to 4.

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. Uta 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 2nd respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May 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 2nd 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.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat,
St. George Fort,
Chennai - 600 009
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited
Tirunelveli

3. The General Manager,
Tamil Nadu State Transport
Corporation (Tirunelveli) Limited,
Nagarcoil Region, Nagercoil

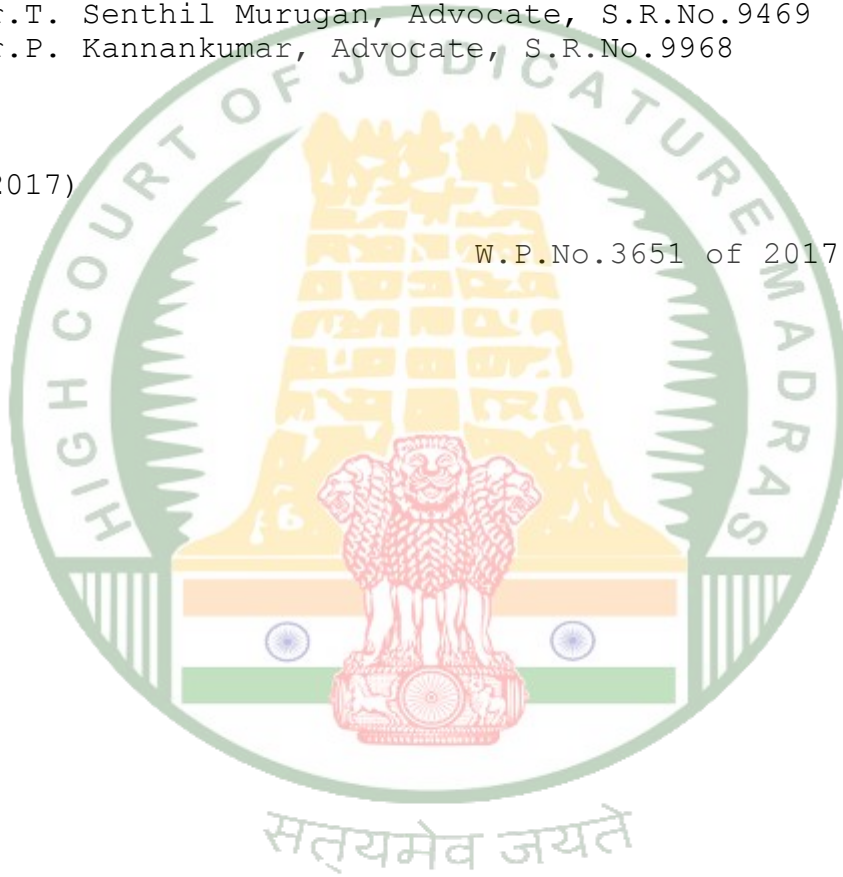
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002

+1cc to Mr.T. Senthil Murugan, Advocate, S.R.No.9469

+1cc to Mr.P. Kannankumar, Advocate, S.R.No.9968

lrs (CO)
md(23/02/2017)

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