

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.3683/2017

P.Gubandran

..

Petitioner

Vs

The Managing Director,
Management of Tamil Nadu State
Transport Corporation [Kovai] Ltd
Coimbatore.

Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the petitioner Rs.7,04,389/- towards gratuity, Rs.6,45,025/- towards EPF Employees Contribution, Rs.4,14,069/- towards Leave Salary and Rs.1,34,535/- towards encashment of leave on personal affairs, together with 18% interest per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Ajaykhose

For Respondent : Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr. Mr.P.Kannan Kumar, learned Standing counsel accepts notice on behalf of the respondent.

2 The petitioner was appointed as a Junior Assistant in the respondent / Transport Corporation on 01.02.1989 and after completion of more than 27 years of service, he was working as Superintendent with Staff No.89AS1-014045 at Coimbatore Region of the respondent / Corporation and he retired from service on 31.05.2016. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Gratuity, Encashment of Leave Salary etc., the same have not been paid for more than one year and in this regard, he had submitted a representation to the respondent dated 23.12.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that a similar issue arose for consideration before a Division Bench of this Court in WA[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] and the Division Bench, vide judgment dated 12.06.2015, has ordered the amounts to be paid in twelve equal monthly instalments with an interest @ 6% per annum and also with a default interest and prays for similar orders.

4 Heard the submissions of Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondent.

5 This Court has taken into consideration the said judgment and also the stand of the respondents including the Administrative Department in its order dated 19.01.2017 made in WP.No.42555/2016 [A.Annamalai Vs. The Managing Director, Tamil Nadu State Transport Corporation Limited, Salem and others] and issued necessary directions and for the purpose of disposal of the cases, it is relevant to extract the common judgment made in the above cited writ appeal :-

"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 (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, the respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st May, 2017 bearing 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 pension amount due and payable to the petitioner without any default.

7 The writ petition stands disposed of with the above direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

The Managing Director,
Management of Tamil Nadu State
Transport Corporation [Kovai] Ltd
Coimbatore.

+1 cc to Mr.P.KannanKumar Advocate sr 10427

+1 cc to Mr.V.Ajaykhose Advocate sr 10051

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W.P.No.3683/2017

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