

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3725 of 2017

V. Krishnan

..Petitioner

Vs

1. The Government of Tamil Nadu,  
rep by its Principal Secretary,  
Transport Department,  
Secretariat, Fort St. George,  
Chennai - 600 009
  2. The Managing Director,  
Tamil Nadu State Transport Corporation (VPM) Ltd.,  
3/137, Salamedu,  
Valuthareddy - Post,  
Villupuram - 605 602
  3. The Administrator,  
Tamil Nadu State Transport Corporation  
Pension Fund Trust,  
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 terminal benefits namely Gratuity, Encashment of leave salary (E/L) DA arrears, Pension Commutation, Settlement Arrears, Social Welfare Scheme, Subscription amount of Engineering and Medical College, Retirement Benefits Scheme, Pension DA Arrears and other eligible terminal benefits with 18% interest on delayed payment to the petitioner from 31.08.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner in the light of the common order passed in W.A (MD) No.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : M/s.Vijaya and Anandh  
For R.1 : Mrs.M.E. Rani Selvam, Addl.G.P.  
For R.2, R.3 : Mr.P. Kannan Kumar  
Standing Counsel for  
Transport Corporation

O R D E R

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel accepts notice on behalf of the 2nd and 3rd respondents.

2. The petitioner joined as a Conductor on 15.10.1981 in the erstwhile Pallavan Transport Corporation, Madras and after merger, the erstwhile Corporation was renamed as Tamilnadu State Transport Corporation and after rendering 36 years of service, the petitioner retired on 31.08.2016 as Special Grade Conductor. According to the petitioner, despite his retirement, the retiral/ terminal benefits such as Gratuity, D.A. arrears, settlement Arrears, Pension Commutation, Subscription Amount of Engineering and Medical College, Social Welfare Scheme, Encashment of Leave Salary (E/L), Pension DA arrears, retirement benefits Scheme have not been paid. In this regard, he had submitted a representation to the 1st and 2nd respondents dated 02.11.2016 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 Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing on behalf of the 2nd and 3rd 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 7<sup>th</sup> 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 Principal Secretary,  
Government of Tamil Nadu,  
Transport Department,  
Secretariat, Fort St. George,  
Chennai - 600 009

2. The Managing Director,  
Tamil Nadu State Transport Corporation (VPM) Ltd.,  
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3. The Administrator,  
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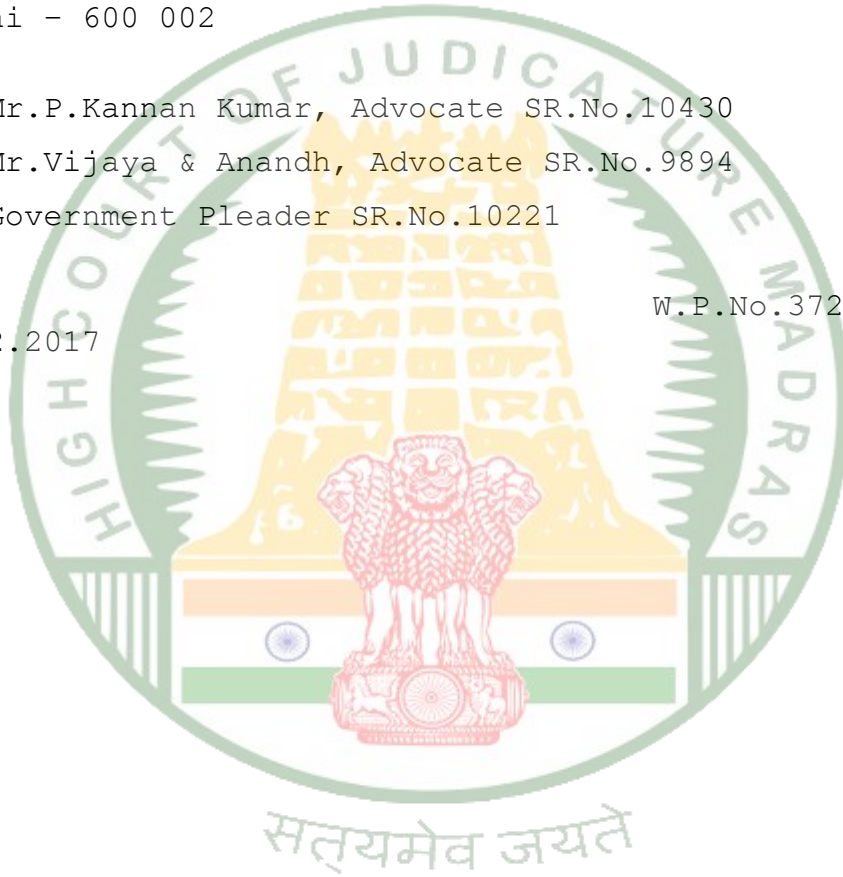
+2 cc to Mr.P.Kannan Kumar, Advocate SR.No.10430

+1 cc to Mr.Vijaya & Anandh, Advocate SR.No.9894

+1 cc to Government Pleader SR.No.10221

SDR 28.02.2017

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