

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3728 of 2017

A. Natesan

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
Limited (Coimbatore),
37, Mettupalayam Road,
Corporate Office,
Coimbatore.

2. 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 disburse the payments relating to Provident Fund, Gratuity, Family Welfare Fund, ERBS Pension, ERBS Pension arrears, surrender Leave salary i.e., Earned leave balance as on 30.06.2014, balance dearness allowance, pension dearness allowance arrear, surrender medical leave salary upto 1.9.1998 which was already surrendered, IRT amount by calculating D.A eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.07.2014 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C. Vasudevan

For respondents : Mr.P. Kannan Kumar
Standing Counsel for
Transport Corporation

ORDER

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

2. The petitioner joined the services of the Tamil Nadu State Transport Corporation on 25.04.1988 (Staff No.Jo 0873). At the time of retirement on 30.06.2014, he was working as Selection Grade Assistant and was drawing a salary of 33,780/-. The grievance expressed by the petitioner is that though he retired from service as early as on 30.06.2014, the retiral/terminal benefits such as Gratuity, Family welfare Fund, ERBS Pension, ERBS Pension arrears, Provident Fund, Surrender Leave salary, Balance Dearness allowance, Pension Dearness allowance arrears, surrender medical leave salary upto 1.9.1998 and IRT amount have not been disbursed. In this regard, he had submitted a representation to the 1st respondent dated 08.02.2017 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.Kannankumar, learned Standing counsel appearing for the 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 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 1st 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 1st 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(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
Limited (Coimbatore),
37, Mettupalayam Road,
Corporate Office, Coimbatore.
2. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.10063
+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.10429

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SAI (CO)
CA(01/03/2017)

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