IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 16.02.2017
CORAM:
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
W.P.No.3792/2017

R.Parimala .. Petitioner

Vs

The Managing Director,
State Express Transport Corporation Ltd
No.2, Pallavan Salai, Chennai 600002. .. 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 settle the terminal benefits of the petitioner, Surrender of Earned Leave 146 days and Medical Leave 16 days amounting to rs.1,67,400/- with interest at the rate of 6% per annum taking into consideration of petitioner representation dated 09.02.2017.

For Petitioner : Mr.D.Soundar Raj
For Respondent : Mr.P.Kannan Kumar

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 respondent.

2 The petitioner was appointed as Junior Assistant in the services of the respondent / Corporation on 27.05.1981 and she voluntarily retired from service as Senior Superintendent on 31.12.2010 after rendering 30 years of service [Staff No.81AS002]. The grievance expressed by the petitioner is that though she has retired as early as on 31.12.2010, the retiral/terminal benefits have not been settlement and in this regard, she has also submitted a representation dated 09.02.2017 to the respondent and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit that the petitioner did not suffer any punishment and as such, there is no justification on the part of the respondent / Corporation to delay the conferment of the pensionary benefits for nearly six years and therefore, prays for appropriate orders. The learned counsel would also 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 Per contra, Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondent would submit that appropriate orders will be passed based on the representation submitted by the petitioner.

5 This Court has carefully considered the rival submissions and also perused the materials placed before it.

6 It is regret to note that though the petitioner had retired from service as early as on 31.12.2010, no orders have been passed by the respondent / Corporation with regard to her retiral / terminal benefits. The respondent / Corporation, being the State entity, is not expected to behave like that and it should also realise the difficulties faced by the petitioner and it should be alive to the situation ; but unfortunately it failed to do so.

7 This Court has taken into consideration the judgment cited above 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. 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."

8 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.

9 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,
State Express Transport Corporation Ltd
No.2, Pallavan Salai, Chennai 600002.

Copy to:
[1] The Chief Secretary to Government
State of Tamil Nadu, Secretariat,
Fort St. George, Chennai-600 009.

[2] The Secretary to Government
State of Tamil Nadu, Transport
Department, Secretariat,
Fort St George, Chennai-600 009
[for information and necessary further action]
+1 cc to Mr.D.Soundaraj Advocate sr 9999
+1 cc to Mr.P.Kannan Kumar Advocate sr 10707

W.P.No.3792/2017

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