

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.382 of 2017

P.Durai

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Petitioner

Vs

- 1.State of Tamil Nadu
Rep. by the Additional Chief Secretary to Government,
(Chairman, Transport Corporations)
Transport Department,
Fort St.George,
Chennai-600 009.
 - 2.The Management of
Tamilnadu State Transport Corporation
(Salem) Ltd.,
Represented by the Managing Director,
12, Ramakrishna Road,
Salem 636 007.
 - 3.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Rep. by its Administrator,
Thiruvalluvar House, Anna 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 directing the respondents to settle and disburse the amount payable to the petitioner towards Gratuity, Leave Surrender, Family Welfare Fund and Surrender Leave, Commutation, other benefits of, pursuant to the Settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realization to the petitioner within such time as stipulated by this Honourable Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : Mr.K.Harikrishnan

For Respondents : Mr.K.Venkataramani,
Additional Advocate General,
assisted by
Mr.K.Dhananjayan, Special Govt. Pleader
for R1
Mr.R.K.Gandhi for R2
Mr.P.Kannan Kumar for R3

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner retired from the services of the respondent Transport Corporation as Senior Checking Inspector on 31.03.2011. The grievance expressed by the petitioner is that though he has retired as early as on 31.03.2011, the retiral/terminal benefits such as Gratuity, Leave Surrender, Family Welfare Fund and Surrender Leave, Commutation and other benefits have not been settled. In this regard, the petitioner has also submitted a representation dated 17.11.2016 to the second respondent and since no orders have been passed, he 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 Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Govt. Pleader for the first respondent, Mr.R.K.Gandhi, learned Standing Counsel for the second respondent and Mr.P.Kannan Kumar, learned Standing Counsel appearing for the third 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 respondents are directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 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 respondents, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

7. This Writ Petition is disposed of accordingly. No costs.

sd/

Assistant Registrar(CCC)

/true copy/

Sub Assistant Registrar

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu
(Chairman, Transport Corporations)
Transport Department, Fort St.George, Chennai-600 009.

2.The Managing Director,
The Management of
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road, Salem 636 007.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Anna Salai,
Chennai-600 002.

+1cc to the Government Pleader SR.No.9198

W.P.No.382 of 2017

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