

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3822/2017

G.Mahalingam

..

Petitioner

Vs

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

2.The Administrator
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Thiruvalluvar Illam, Anna Salai
Chennai-2.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.1,70,696/- towards Leave Salary and Rs.18,040/- towards balance of Gratuity together with 18% interest per annum along with interest amounts towards delay payment of part of the gratuity amount Rs.4,95,923/- for the period from 31.08.2012 to 18.11.2016 and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of pension commutation amount of Rs.2,49,221/- for the period from 01.09.2012 to 04.11.2013 at the rate of 18% per annum within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Ajaykhose

For Respondents: 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 respondents.

2 The petitioner was appointed as Assistant Tradesman in the services of the 1st respondent / Transport Corporation on 13.06.1977 and after completion of 35 years of service, he retired from service on 31.08.2012 as Tradesman [Staff No.77TH1-EP1078]. The grievance expressed by the petitioner is despite his retirement as early as on

31.08.2012, the retiral/terminal benefits such as encashment of Earned Leave and Medical leave, Gratuity and interest for delayed payments of part of Gratuity and Pension Commutation etc., the same have not been paid and in this regard, he had submitted a representation to the 1st respondent dated 09.12.2016 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 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 respondents.

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. 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.

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 1st 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 1st 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.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

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

2.The Administrator
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust
Thiruvalluvar Illam, Anna Salai
Chennai-2.

+1 cc to Mr.V.Ajoykhose,advocate,sr.10050

+1 cc to Mr.P.Kannankumar,advocate,sr.10708.

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