

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.2471 & 2472/2017

P.Jayakuma

..Petitioner
in W.P.No.2471/2017

S.Krishnamurthy

..Petitioner
in W.P.No.2472/2017

.Vs.

1.The Managing Director,
State Express Transport Corporation (Tamil Nadu)Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

2.The General Manager,
State Express Transport Corporation (Tamil Nadu)Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

3.The Administrative Officer,
Tamil Nadu State Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

.. Respondents
(in Both WP's)

Common Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Pension commutation, Leave Surrender (Earned Leave & Old Medical Leave), DA arrears and others by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.07.2016 within the stipulated period time as may b fixed by this Court.

For Petitioner : Mr.G.Sakthivel
(for both WP's)
For Respondents : Mr.P.Kannan Kumar
(for both WP's)

COMMON ORDER

By consent, the writ petitions are taken up for final disposal since the issue involved and to be adjudicated, is one and the same. Mr.P.Kannan Kumar, learned counsel accepts notice on behalf of the respondents.

2 The petitioner is WP.No.2471/2017 had joined as a Driver on 21.05.1985 in the erstwhile State Express Transport Corporation [Tamil Nadu] Limited, Kumbakonam, and was confirmed in service on 01.02.1986 and on attaining the age of superannuation on 30.06.2016, he retired from service and at the time of retirement, he was serving as Driving Instructor in the Puducherry Branch of the 1st respondent Corporation. According to the petitioner, immediately after his retirement, he is entitled to retiral / terminal benefits like Gratuity, Pension Commutation, Leave Surrender [Earned leave and Old Medical Leave], DA arrears and others and since the said benefits have not been settled, he had submitted a representation date 09.01.2017 to the respondents and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The petitioner in WP.No.2472/2017 had joined as a Junior Engineer on 01.05.1988 in the erstwhile State Express Transport Corporation [Tamil Nadu] Limited, Chennai, and was confirmed in service on 01.06.1989 and on attaining the age of superannuation on 30.06.2016, he retired from service and at the time of retirement, he was serving as Selection Grade Senior Assistant Engineer in the Puducherry Branch [Villupuram Sub Branch] of the 1st respondent Corporation. According to the petitioner, immediately after his retirement, he is entitled to retiral / terminal benefits like Gratuity, Pension Commutation, Leave Surrender [Earned leave and Old Medical Leave], DA arrears and others and since the said benefits have not been settled, he had submitted a representation date 10.01.2017 to the respondents and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

4 The learned counsel appearing for the petitioners 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.

5 Heard the submissions of Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

6 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.

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."

7 in the light of the above facts and circumstances, the 1st respondent is directed to settle the retiral/terminal benefits to the petitioners 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 1st respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioners without any default.

8 The writ petitions stand disposed of with the above direction. No costs.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

AP
To

- 1.The Managing Director,
State Express Transport Corporation (Tamil Nadu)Ltd.,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.
- 2.The General Manager,
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- 3.The Administrative Officer,
Tamil Nadu State Express Transport Corporation
Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

+1cc to Mr.G.Sakthivel, Advocate SR.No.6584

+2cc to Mr.P.Kannan Kumar, Advocate SR.No.7356

+1cc to Mr.G.Sakthivel, Advocate SR.No.6583 (16/02/2017)

+2cc to Mr.P.Kannan Kumar, Advocate SR.No.7355 (16/02/2017)

W.P.Nos.2471 & 2472/2017

KGK(CO)
GN(14/02/2017)