

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3938 of 2017

B.Rajendran, Staff No.40968

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep.by the Secretary
Transport Department
Secretariat, St.George Fort,
Chennai - 600 009.
 - 2 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
 - 3 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
 - 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, RBS Arrears, IRT amount, settlement arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement

i.e., 31.8.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.P.Chinnadurai for R1
Government Advocate
Mr.P.Kannan Kumar for R2 to R4

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.P.Chinnadurai, learned Government Advocate accepts notice on behalf of the first respondent. Mr.P.Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondents 2 to 4.

2.The petitioner joined the services of Pallavan Transport Corporation, Chennai on 01.12.1985, which after merger and amalgamation and demerger and amalgamation, became new Transport Corporation namely, Tamil Nadu State Transport Corporation (Villupuram) Limited. The petitioner joined the services of the said Corporation and retired from the service as Special Grade Driver on 31.08.2016. He was drawing a salary of Rs.38,873/- at the time of retirement. The grievance now expressed by the petitioner is that he has retired from service on 31.08.2016 and the retiral/ terminal benefits such as Gratuity, Commutation, EL Surrender, RBS Arrears, IRT Amount, Settlement Arrears and DA Arrears have not been settled and in this regard, has also submitted a representation dated 06.02.2017 to the respondents and despite, receipt and acknowledgement of the same, no orders have been passed so far and hence, 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.Chinnadurai, learned Government Advocate appearing for the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel appearing for the respondents 2 to 4.

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.

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 second 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 second 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/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Government of Tamil Nadu
Rep.by the Secretary
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Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/S.M.Selvam, Advocate Sr.10459
+2cc to Mr.P.Kannankumar, Advocate Sr.10769
+1cc to the Government Pleader Sr.10735

W.P.No.3938 of 2017

vsn[co]
srg 6/3/2017