

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3940 of 2017

C.Gunasekaran, (Staff No.P.R.No.15258)

... Petitioner

Vs.

1 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.

2 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore.

3 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 disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment (Earned & Old Medical Leave), Social Welfare Fund, IRT amount, 12(3) Settlement arrear, 5.5 Pension arrear, D.A arrears, CRBS amount, Last 10 days salary and all other attendant benefits by calculating D.A eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.07.2014 within stipulated time as may be fixed by this Honourable Court.

For Petitioner
For Respondent

: Mr.J.Pradeep
: Mr.P.Kannan Kumar

O R D E R

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 joined the services of Pallavan Transport Corporation on 12.03.1981, 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 Checking Inspector on 30.06.2014.

3.The grievance now expressed by the petitioner is that he has retired from service on 30.06.2014 and the retiral/ terminal benefits such as Gratuity, Pension Commutation, Leave Encashment (Earned and Old Medical Leave), Social Welfare Fund, IRT amount, 12(3) Settlement Arrears, 5.5 Pension Arrears, D.A arrears, CRBS amount and Last 10 days salary have not been settled and in this regard, has also submitted a representation dated 09.02.2017 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.

4.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.

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 first 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 first respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

8. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
- 2 The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme

Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

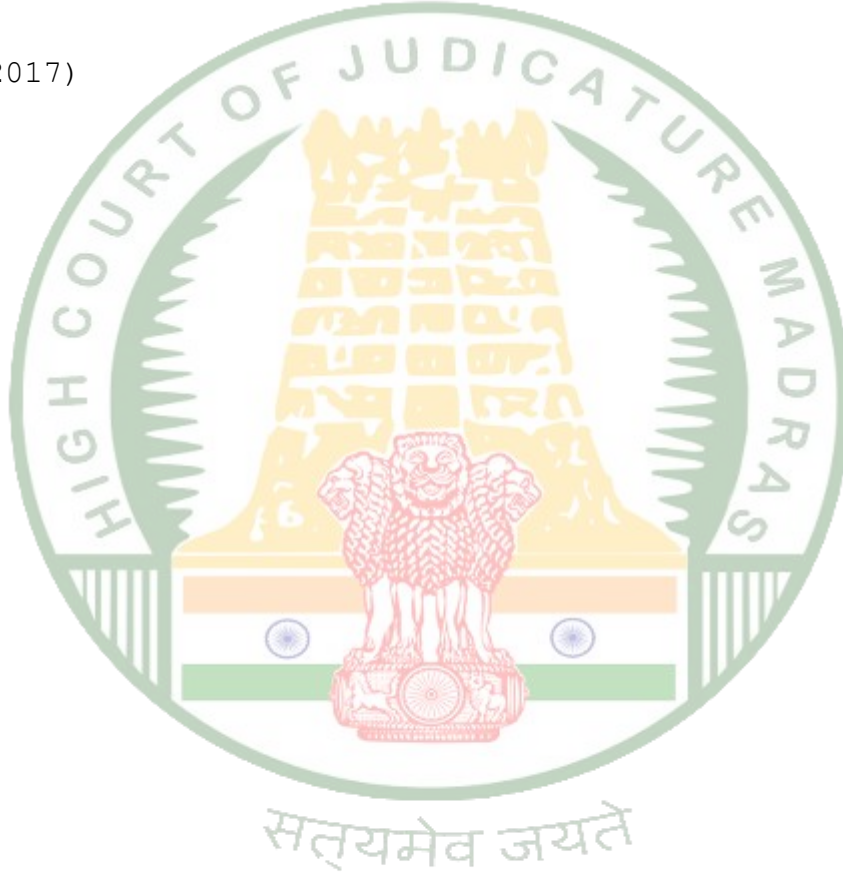
+1cc to Mr.J. Pradeep Advocate SR. 10293

+1cc to Mr.P. Kannan Kumar, Advocate SR. 10708

+1cc to Mr.P. Kannan Kumar, Advocate SR. 10708 (dt. 09/03/2017)

W.P.No.3940 of 2017

AD (CO)
VR (06/03/2017)



WEB COPY