

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3947 of 2017

V.jamuna, Staff No.A.1213

... Petitioner

Vs.

- 1 The Principal Secretary to Government  
Transport Department,  
Fort St.George, Chennai - 600 009.
- 2 The Managing Director  
State Express Transport Corporation Tamil Nadu Ltd,  
Pallavan Salai,  
Chennai - 600 002.
- 3 The Administrator  
Tamil Nadu State Transport Corporation  
Pension Fund Trust, Thiruvalluvar - House,  
Pallavan Salai, Chennai - 600 002. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.34 000/-, Pension Commutation Amount of Rs.3,30,000/-, IRT Contribution Amount of Rs.4,600/-, Social Security Scheme Fund Amount of Rs.35,000/-, Difference in Gratuity Amount of Rs.25,000/-, Provident Fund Contribution Arrears Amount of Rs.5,000/- and Leave on Private Affairs Amount of Rs.72,000/- the total comes to Rs.5,05,600/- (Rupees Five Lakhs Five Thousand and Six Hundred Only) with 18% interest on delayed payment to the petitioner the Superintend Staff No.A1213 who has retired from service on 30.09.2015.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mrs.M.E.Rani Selvam for R1  
Additional Government Pleader  
Mr.P.Kannan Kumar for R2 and R3

## O R D E R

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the first respondent. Mr.P.Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondents 2 and 3.

2.The petitioner joined the services of Thiruvalluvar Transport Corporation as a Record Clerk on 15.08.1981 and her services were regularised as Junior Assistant on 01.09.1986. It is further averred by the petitioner that the said Transport Corporation, after merger and amalgamation with Puratchi Thalaivi J.Jayalalitha Transport Corporation, became State Express Transport Corporation Tamil Nadu Limited and the petitioner got her promotion as Superintendent on 24.02.2015 and after completion of 30 years of her services, retired on 30.09.2015.

3.The grievance now expressed by the petitioner is that though she was permitted to retire from service as early as on 30.09.2015, the retiral/ terminal benefits such as Earned Leave Surrender Salary, Pension Commutation, IRT Contribution, Social Security Scheme Fund, Difference in Gratuity, Provident Fund Contribution Arrears and Leave on Private Affairs have not been settled and therefore, 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 Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel appearing for the respondents 2 and 3.

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. 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 7<sup>th</sup> 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 second respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1<sup>st</sup> 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.

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

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

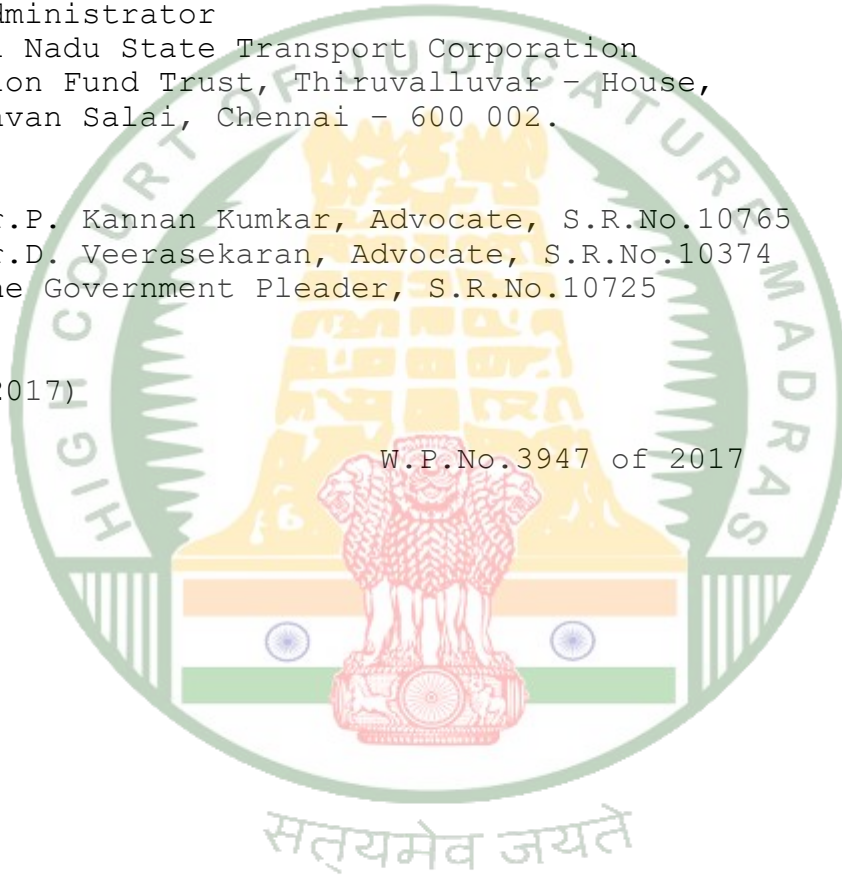
To

- 1 The Principal Secretary to Government  
Transport Department,  
Fort St.George, Chennai - 600 009.
- 2 The Managing Director  
State Express Transport Corporation Tamil Nadu Ltd,  
Pallavan Salai,  
Chennai - 600 002.
- 3 The Administrator  
Tamil Nadu State Transport Corporation  
Pension Fund Trust, Thiruvalluvar - House,  
Pallavan Salai, Chennai - 600 002.

+2cc to Mr.P. Kannan Kumkar, Advocate, S.R.No.10765  
+1cc to Mr.D. Veerasekaran, Advocate, S.R.No.10374  
+1cc to the Government Pleader, S.R.No.10725

nm(CO)  
md(07/03/2017)

W.P.No.3947 of 2017



WEB COPY