IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2502/2017

S.Muthuswamy .. Petitioner

.Vs.

The Managing Director
Tamil Nadu State Transport Corporation
Salem Division
No.12 Ramakrishna Road,
Salem 636 007 .. Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to pay the petitioner his retirement benefits with interest to petitioner as per his representation made to the respondent on 14.09.2016.

For Petitioner : Mr.S.Balasubramaian
For Respondent : Mr.K.Venkataramani, AAG
assisted by Mr.P.Kannan Kumar

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned counsel accepts notice on behalf of the respondent.

2 The petitioner retired from service as Senior Checking Inspector on 31.10.2012 from the respondent / Corporation after completing 32 years of service. The grievance expressed by the petitioner is that though he has retired from the service, the retiral/terminal benefits such as Gratuity arrears, Leave Surrender Salary including Medical Leave, Dearness Allowance and Settlement Salary difference, have not been paid and in this regard, very many representations have also been given by the Tamil Nadu State Transport Corporation

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

Checking Inspectors and Employees Association. The petitioner also, in this regard, has submitted a representation on 14.09.2016 to the respondent and despite the 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.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondent.

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

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

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 respondent is directed to settle the retiral/terminal benefits to the petitioner 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 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

//True Copy//

Sub Assistant Registrar

AP
To
The Managing Director
Tamil Nadu State Transport Corporation
Salem Division
No.12 Ramakrishna Road,
Salem 636 007

+1cc to Mr.P. Kannan Kumar, Advocate, S.R.No.7352
+1cc to Mr.S. Balasubramanian, Advocate, S.R.No.6740

vsn(CO)
md(23/02/2017)

W.P.No.2502/2017

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/