

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2525 of 2017

Thannasiappan K.

..Petitioner

Vs.

Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043 rep. by its
Managing Director.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondent to pay the petitioner all the retirement benefits including Provident Fund, Gratuity, Leave Salary Amount and all other benefits with interest @ 18% per annum within the time frame that may be stipulated by this Court and to grant interest @ 18% per annum to the petitioner for the belated settlement of his eligible benefits from the date of retirement till the date of settlement by the respondent within a time frame that may be stipulated by this Court.

For Petitioner :: Mr.A. Rajendran

For Respondent :: Mr.P. Kannan Kumar

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.P. Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondent.

3. The petitioner joined the services of the respondent Corporation as Conductor with effect from 10.01.1995. At the time of his superannuation, he was working as Special Grade Conductor. According to the petitioner, on account of his retirement, though he is entitled to terminal benefits, such as Provident Fund Amount, Gratuity Amount and Leave Salary Amount, the same have not been paid to him, so far, except the fact that he has been paid with monthly pension of Rs.10,590/-. The

petitioner, in this regard, has already submitted a representation dated 10.01.2017 to the respondent. Despite receipt and acknowledgement of the said representation, no orders have been passed and therefore, came forward to file the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the common Judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others], wherein, the Division Bench has passed orders, ordering payment of terminal benefits, in 12 equal monthly installments, carrying interest at the rate of 6% p.a. and taking into consideration the hardship and misery being suffered by the petitioner, prays for appropriate orders.

5. This Court heard the submissions of Mr.P.Kannankumar, learned Standing Counsel for the respondent, who would submit that in the light of the above cited Judgment, the request made by the petitioner would be complied with.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. It is relevant to extract the orders passed in W.A.No. (MD)Nos.383 to 457 of 2015:

"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."

8. A similar issue came up for consideration in a batch of cases and one such case is W.P.No.42555 of 2016 and this Court, after hearing the submissions of the learned counsel appearing for the petitioner therein, as well as the submission of Mr.K.Venkataramani, learned Additional Advocate General, by following the above cited Judgment, disposed of the said writ petition on 19.01.2017, the operative portion of which is extracted below:-

"10. In the light of the above facts and circumstances, the State Transport Undertakings/Transport Corporations shall settle all the terminal benefits due and payable to the petitioner in the light of the common judgment rendered in W.A.No.(MD)Nos.383 to 457 of 2015 and the installments to be paid from 01.04.2017. The Administrative Department shall ensure that there is no default as to the compliance of the orders passed by this Court in this regard. It is also made clear that neither the Transport Corporation nor the Administrative Department shall drive the retired employees to approach this Court for similar relief and in the light of the fact that the above orders equally binds them shall make every endeavour to pass similar orders at least on the date of retirement of the employees. It is further made clear that the non compliance of the order passed by this Court may visit the concerned respondents with grave consequences by way of contempt proceedings".

9. In the light of the above facts and circumstances and also in the light of the earlier orders passed by this Court, the terminal benefits due and payable to the petitioner shall be paid by the respondent in 12 equal monthly instalments with interest at 6% p.a. and the 1st instalment shall commence from April 2017 and to be continuously paid until settling the entire arrears. The respondent shall also pay pension periodically to the petitioner without any default. It is made clear that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be

available to the petitioner for non-compliance of undertaking given to this Court.

10. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043 rep. by its
Managing Director.

+lcc to Mr.Rajendran, Advocate, S.R.No.6531
+lcc to Mr.Kannan Kumar, Advocate, S.R.No.7406

NR(CO)
RS(22/02/2017)

W.P. No. 2525 of 2017

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