

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2620/2017

C.Chakkaravarthi

.. Petitioner

.Vs.

1.The Additional Chief Secretary to
Government, State of Tamil Nadu,
[Chairman, Transport Corporations]
Transport Department, Fort St. George
Chennai 600 009.

2.The Managing Director,
Management of Tamil Nadu State
Transport Corporation [Salem] Ltd.,
12, Ramakrishna Road,
Salem 636 007.

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Anna Salai,
Chennai 600 002.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards Leave Surrender and Leave Salary, other benefits of, pursuant to the Settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner within such time to be stipulated by this Court.

For Petitioner : Mr.K.Harikrishnan
For R1 : Mr.K.Dhananjayan, Spl.GP
For R2 : Mr.R.K.Gandhi

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned counsel accepts notice on behalf of the 2nd respondent.

2 The petitioner after putting in 31 years of service, had retired from services of the Tamil Nadu State Transport Corporation, Salem, as a Senior Draftsman on 31.01.2002. According to him, the terminal/retiral benefits have not been settled, despite the receipt and acknowledgment of his representation dated 21.10.2016 and therefore, 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.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing for the 2nd 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 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 2nd 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 2nd 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.

03.02.2017

Index : No

Internet : Yes

AP

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M.SATHYANARAYANAN, J.,
AP

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