

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 23.01.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.1619 of 2017

Mathiyalagan

... Petitioner

-Vs-

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

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to pay the petitioner all his retirement benefits including gratuity and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant time the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be fixed by this Honourable Court.

For Petitioner : Mr.A.Rajendran
For Respondents : Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.P.Kannankumar

O R D E R

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

2. The petitioner joined service of the first respondent Corporation as Driver with effect from 27.06.1986 and at that time of retirement on 30.11.2014 from Pollachi-I Branch of Coimbatore Region, he was working as Special Grade Driver. The petitioner was diagnosed with HIV positive and it is the claim of the petitioner that the respondent has to settle a sum of Rs.4,28,798/-(approximately) towards his gratuity and apart from

that, the retirement/terminal benefits has also not been settled. The petitioner is being paid Rs.12,061/- by way of monthly pension and with the meagre amount, he finds it extremely difficult to run his family and also attend his medical needs. The petitioner, in this regard also submitted a representation dated 28.12.2016 to the respondent praying for settlement of terminal benefits immediately and despite receipt and acknowledgement, it has not been given disposal. Hence, he came forward to file this writ petition.

3. Learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by the judgment made in W.A.No.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 and prays for appropriate orders.

4. This Court heard the submission of the learned counsel for the petitioner and the learned Additional Advocate General appearing for the respondent.

5. It is relevant to extract the order passed in W.A.No.(MD)Nos.383 to 457 of 2015 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] which reads as follows:

"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 (9) 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, this Court directs the respondent to dispose of the representation of

the petitioner dated 28.12.2016 on merits and in accordance with law and in the light of the above cited judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, by paying the amounts due in instalments and in any event, the first instalment shall be paid from 01.03.2017 and the remaining instalments shall be paid after regular intervals till full and final settlement. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-IV)

//True Copy//

Sub-Assistant Registrar

To

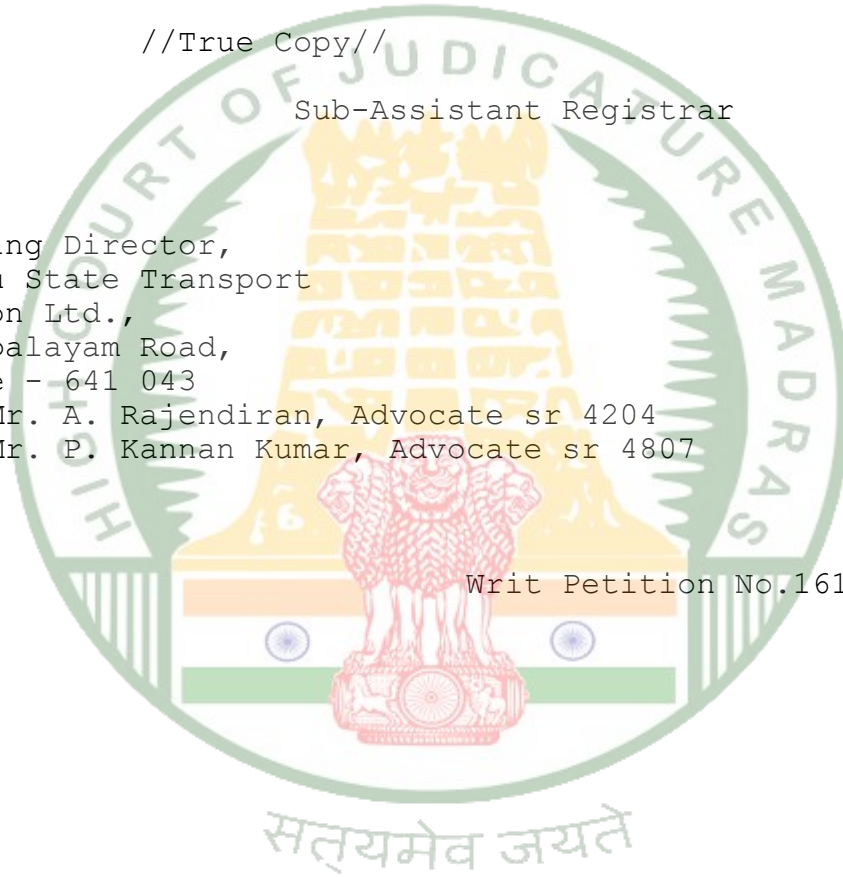
The Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043

+1 CC to Mr. A. Rajendiran, Advocate sr 4204

+1 CC to Mr. P. Kannan Kumar, Advocate sr 4807

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SR(CO)
sp/9/2



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