

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.2622 & 2623/2017

R.Pachamuthu .. Petitioner  
in W.P.No.2622 of 2017  
N.Devaraj (STMTR 0738) .. Petitioner  
in W.P.No.2623 of 2017

Vs

1.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Salem) Ltd.,  
No.12, Ramakrishnan Road,  
Salem-636 007. ...Respondent

in W.P.No.2622 of 2017/R1

in W.P.No.2623 of 2017

2.The General Manager,  
Tamil Nadu State Transport Corporation,  
(Salem) Ltd.,  
Dharmapuri Region,  
Head Office: Bharathipuram,  
Dharmapuri-5. ... R2 in W.P.No.2623 of 2017

Prayer in W.P.No.2622/2017:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to consider the Petitioner's representation dated 31.12.2016 for settlement of all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 30.09.2016 within the time to be stipulated by this Court.

Prayer in W.P.No.2623/2017:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation dated 18.11.2016 and settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum within the time to be stipulated by this Court.

For Petitioners : Mr.R.Bharath Kumar  
(in both WP's)

For Respondents : Mr.R.K.Gandhi  
(in both WP's)

#### COMMON ORDER

By consent, these writ petitions are taken up for final disposal and since the issue involved and to be adjudicated is one and the same, the writ petitions are disposed of by the following common order. Mr.R.K.Gandhi, learned counsel accepts notice on behalf of the respondents.

2. The petitioner in WP.No.2622/2017 had retired from services of the Tamil Nadu State Transport Corporation, Salem Limited, as a Driver [Employment Number DR5042] on 30.09.2016. The grievance expressed by the petitioner is that despite his retirement, the retiral/terminal benefits have not been settled and in this regard, he has submitted a representation dated 31.12.2016 to the respondent and despite receipt and acknowledgment, the said representation has not been given disposal and hence, the petitioner came forward to file the present writ petition.

3. The petitioner in WP.No.2623/2017, while working in as Senior Tradesman [Emp.No.DR0738], in the services of the Tamil Nadu State Transport Corporation, Dharmapuri Region at Salem, suffered due to Rheumatoid arthritis and on account of his health condition, sought for voluntary retirement and it was also accepted on 03.12.2012 and he was permitted to retire voluntarily from the said post with effect from 30.11.2012. The grievance expressed by the petitioner is that though he was permitted to go on voluntary retirement as early as on 30.11.2012, the retiral/terminal benefits are yet to be settled and in this regard, he has also submitted a representation dated 18.11.2016 to the 1<sup>st</sup> respondent and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

4. The learned counsel appearing for the petitioners 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 Mr.R.K.Gandhi, learned Standing counsel appearing for the respondents and perused the materials placed before it.

6. It is regret to note that though the petitioner in WP.No.2623/2017 was permitted to go on voluntary retirement on medical grounds as early as on 30.11.2012, the respondents never cared to disburse the retiral benefits on time and the attitude exhibited by the respondents is regrettable and condemnable.

7. 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."

8. in the light of the above facts and circumstances, the 1<sup>st</sup> respondent is directed to settle the retiral/terminal benefits to the petitioners 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 1<sup>st</sup> respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioners without any default.

9. The writ petitions stand disposed of with the above direction. No costs.

Sd/-  
Asst.Registrar (CS VI )

/true copy/

Sub Asst. Registrar

To

- 1.The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Salem) Ltd.,  
No.12, Ramakrishnan Road,  
Salem-636 007.
- 2.The General Manager,  
Tamil Nadu State Transport Corporation,  
(Salem) Ltd.,  
Dharmapuri Region,  
Head Office: Bharathipuram,  
Dharmapuri-5.

Copy To:-

The Secretary to Government  
Transport Department  
Secretariat, Fort St George,  
Chennai-9.

+2cc To Mr.R. Bharath Kumar Advocate SR. 7163/17 & 7162/17

SR(CO)  
VR(20/02/2017)

W.P.Nos.2622 & 2623/2017

सत्यमेव जयते

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