

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2674 of 2017

1.M.Amutha
2.S.Subha
3.S.Akila
4.S.Renuka
5.Sabarinathan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
rep by the Secretary
Transport Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Managing Director,
Tamil Nadu Transport Corporation
(Salem) Limited,
12, Ramakrishnan Salai,
Salem - 636 007.

3.The General Manager,
Tamil Nadu Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri.

4.The Administrator,
Tamil Nadu State Transport Corporations
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing respondents to settle the petitioner's benefits including Gratuity, Provident Fund, Commutation, Labour Welfare Fund, 1 year pension, EL Leave surrender salary, ML credit, ERBS pension arrears, pension DA arrears, medical college fund and IRT fund and interest for belated settlement of Provident fund, Gratuity, commutation and labour welfare fund and in other benefits etc., with interest at the rate of not less

than 18% per annum payable from the date of the death of V.Subramaniam and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of benefits to the petitioner payable from the date of death of V.Subramaniam i.e. 28.02.2013 to till date of actual payment to the petitioner within time fixed by this Court.

For Petitioners : Mr.M.Selvam
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader (R1)
Mr.R.K.Gandhi,
for Transport Corporation

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The 1st petitioner would aver that her husband V.Subramaniam (Staff No.CR1623) had joined the services of the 2nd respondent Corporation as Conductor on 17.12.1984 and retired from service on 28.02.2013 and expired on 03.08.2014. At the time of his retirement, he was drawing a salary of Rs.8,114/- The 1st petitioner would further aver that her husband's retirement benefits like Gratuity, Provident Fund, Commutation, Labour Welfare Fund, 1 year pension, EL Leave surrender salary, ML credit, ERBS pension arrears, pension DA arrears, medical college fund and IRT fund and interest for belated settlement of Provident Fund, Gratuity, commutation and labour welfare fund have not been settled and in this regard, a representation dated 09.01.2017 was also submitted to the respondents 1 & 2 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioners has drawn the attention of this Court to 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] and would submit that in similar facts and circumstances, a Division Bench of this Court has directed settlement of terminal benefits, in 12 equal monthly installments, with interest at the rate of 6% per annum and for default, interest at the rate of 18% per annum and prays for similar orders.

4.Heard the submissions of the learned counsel appearing for the petitioners, Mr.K.Dhananjayan, learned Special Government Pleader, who accepts notice for the 1st respondent and Mr.R.K.Gandhi, learned Standing Counsel, who accepts notice for the Transport Corporation.

5.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."

6.In the light of the above facts and circumstances, this Court directs the respondents 2 to 4 to settle the retirement/terminal benefits due and payable to the wife of the petitioner Late V.Subramaniam in 12 equal monthly installments and the 1st installment shall commence from May 2017 payable with interest at the rate of 6% per annum and for default, interest at the rate of 18% per annum. 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.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat, St.George Fort,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu Transport Corporation
(Salem) Limited,
12, Ramakrishnan Salai,
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- 4.The Administrator,
Tamil Nadu State Transport Corporations
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+1cc to M/s. M. Selvam, Advocate, S.R.No.6874
+1cc to the Government Pleader, S.R.No.7456

MP(CO)
EU 23.2.17

W.P.No.2674 of 2017
(1/2)