

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1823 of 2017

T. Krishnan

..Petitioner

Vs

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009

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

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to disburse the retirement benefits of Gratuity of Rs.6,21,000/-, Earned Leave, Surrender Salary of Rs.8,000/-, Provident Fund Contribution amount Rs.2,00,000/- and total comes to Rs.8,29,000/- (Rupees Eight lakhs Twenty nine thousand only) with 18% interest on delayed payment to the petitioner staff No.D 10863 who has retired from service on 31.08.2015 as Special Grade Driver in the second respondent's office.

For Petitioner :Mr.D. Veerasekaran

For Respondent No.1:Ms.M.E. Rani Selvam
Addl.Government Pleader.

For Respondent No.2:Mr.P. Kannan Kumar
Standing Counsel for
Transport Corporation

O R D E R

By consent, the writ petition is taken up for final disposal. Ms.M.E.Rani Selvam, learned Additional Government Pleader, accepts notice on behalf of the 1st respondent and

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

2. The petitioner joined as a Driver in the services of the erstwhile Cheran Transport Corporation and was regularized on 01.11.1985 and after amalgamation with Jeeva Transport, the then Corporation was renamed as Tamil Nadu State Transport Corporation. After rendering 31 years of service, he retired on 31.08.2015. At the time of retirement, he was working as Special Grade Driver. The grievance expressed by the petitioner is that though he retired from service as early as on 31.08.2015, the retiral/terminal benefits such as Gratuity amount, Earned Leave surrender salary, Provident Fund Contribution Amount have not been disbursed. Hence, he came forward to file the present writ petition.

3. Heard the submissions of Ms.M.E.Rani Selvam, learned Additional Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing for the 2nd respondent.

4. The Division Bench of this Court in Writ Appeal[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] has considered the similar issue and by a common judgment dated 12.06.2015, has passed the following order.

"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 (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."

5. 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 1st May 2017 with 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 monthly pension amount to the petitioner in time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009
2. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043

+1cc to Government Pleader SR.No.10209
+1cc to Mr.D.Veerasekaran, Advocate SR.No.9890
+1cc to Mr.P.Kannankumar, Advocate SR.No.10426

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SDR 15.03.2017