

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2873/2017

K.Govindarajan .. Petitioner

.Vs.

1.The Principal Secretary to
Transport Department,
Government of Tamil Nadu
Secretariat, Chennai 600 089.

2.The Managing Director,
State Express Transport Corporation Ltd
Pallavan Salai, Chennai 600 002.

3.The Financial Advisor & Chief Accounts
officer, State Express Transport Corporation
Limited, Pallavan Salai, Chennai 600 002.

4.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan 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 to direct the respondents to settle the petitioner's retirement benefits such as Leave on Encashment [EL] amount, Leave on Encashment [ML] amount, Leave on Private Affairs, interest due on delayed payment in PF amount,

Pension arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 30.04.2013 the date of retirement to till date of settlement of the other eligible terminal benefits to the petitioner.

For Petitioner	:	Mr.R.Prem Narayan
For R1	:	Mr.K.Dhananjayan, Spl.GP
For R2 to R4	:	Mr.P.Kannan Kumar

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 respondents 2 to 4.

2 The petitioner was initially appointed as a Driver in the erstwhile Thiruvalluvar Transport Corporation Limited [Express] on 29.11.1982 and the said Corporation was renamed as State Express Transport Corporation and retired from services of the said Corporation on 30.04.2013 as Senior Grade Driver and his Staff Number is 3641. The petitioner, at the time of retirement was working in Puducherry Depot, State Express Transport Corporation [Tamil Nadu] Limited. According to the petitioner, though he retired from service as early as on 30.04.2013,

the retiral / terminal benefits have not been settled and the petitioner, in this regard, has submitted a representation to the respondents 2 to 4 on 21.01.2017 and despite receipt and acknowledgment, no orders have been passed so far, conferring the said benefits to him and hence, he 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 respondents 2 to 4.

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.

06.02.2017

Index : No

Internet : Yes

AP

M.SATHYANARAYANAN, J.,
AP

To

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