

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29622 of 2017

A.Shanmugam

.. Petitioner

-vs-

1. The Management of
Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007
 2. The Administrator,
Tamilnadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai, Chennai - 600 002
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the 1st respondent to settle back wages, pension and other terminal benefits to the petitioner by giving pay protection as per order dated 30.01.2013 passed in W.P.No.7348 of 2012

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.A.Antony Arockiaraja

सत्यमेव जयते
O R D E R

The petitioner joined the service of the 1st respondent, as a Conductor on 26.05.1986 with Staff No.CR2128 at Edappadi Branch. While so, he boarded the bus to go home, the said bus started at Edappady bus stand at 3.35 p.m., and it stopped at Kalvadangam Bus stop at 4 P.M., wherein two passengers boarded into the bus carrying two gunny bags containing fire crackers and kept the same under the seat of the petitioner. When the bus was moving, the contents of the bag got exploded, as a result, the petitioner suffered with grievous injuries. Immediately, he was rushed to the Government Hospital at Kumarapalayam, Erode, however there was no improvement. Finally, the petitioner was admitted at Madurai Arvind Eye Hospital and treated for about 3

months. Despite the best treatment provided, petitioner lost his eyesight and became totally blind. Subsequently, petitioner submitted a representation dated 28.07.1997 with a request to treat the period of medical treatment as special medical leave. Thereafter, petitioner was sent to Medical board on 28.07.1997 to the Regional Medical Board, Government Mohan Kumaramangalam Medical College Hospital, Salem-1, to assess the disability. The medical board assessed his disability and stated that the petitioner is unfit for the post of conductor. Based on the recommendation of the medical board, petitioner was discharged from the service on 13.10.1997. Thereafter, petitioner filed a Writ Petition No.7348 of 2012 before this Court seeking suitable alternate employment with pay protection. This Court, on 30.01.2013 by setting aside the order of the respondent dated 13.10.1997 directed the 1st respondent to provide suitable alternate employment to the petitioner with pay protection etc., Accordingly, the 1st respondent issued an appointment order to the petitioner on 07.03.2014 to join as helper with Staff No.MHR144 and finally he was permitted to retire from service with basic salary of Rs.9,740/- and Grade Pay Rs.1,800/-, but till date, he is not given terminal benefits nor sanctioned pension, for which, the petitioner has submitted a representation on 27.06.2017 and the same was also not considered, hence this Writ Petition.

2. Mr.A.Antony Arockia Raja, learned counsel for the respondents submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retiral benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in this writ petition also.

3. This Court, recording the statement made by the learned counsel for the respondents, taking note of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioner through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from January, 2018 and each of the instalments should be paid on or before 7th of each month. In case of any delay in the payment of the instalments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the instalments. With this direction, the writ

petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Management of

Tamilnadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007

2. The Administrator,

Tamilnadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai, Chennai - 600 002

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.82295

+1cc to Mr.A.Antony Arockia Raj, Advocate, S.R.No.82158

W.P.No.29622 of 2017

RRK(18/12/2017)

सत्यमेव जयते
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