

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2017

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THE HONOURABLE MR.JUSTICE M. SATHYANARAYANAN

W.P. No. 4179 of 2017

G. Rajamanickam

..Petitioner

Vs.

1. The Additional Chief Secretary,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension
Trust,
Administrative Office,
Thiruvalluvar House,
Pallavan Salai,
Chennai 600 002.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for
issue of a Writ of Mandamus directing respondents 2 and 3 to consider and pass
orders on the petitioner's representation dated 31.12.2016 to pay the

For Petitioner	::	Mr.A. Nagarathinam
For Respondents	::	Mr.K. Dhananjayan, Special Govt. Pleader for R1 Mr.R.K. Gandhi for R2 & R3

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.K. Dhananjayan, learned Special Government Pleader accepts notice on behalf of the 1st respondent and Mr.R.K. Gandhi, learned counsel accepts notice on behalf of respondents 2 and 3.

3. The petitioner entered the service of the 2nd respondent Corporation as a Conductor on 01.04.1981 and promoted to the post of Senior Checking Inspector on 11.08.2011 and his employee number is No. FC 0355. The petitioner retired from service on 31.03.2012 on attaining the age of superannuation. The grievance of the petitioner is that despite his retirement, as early as on 31.03.2012, arrears of salary and arrears of retirement benefits such as Gratuity, Pension, benefits of leave surrender and medical leave by revising the scale of pay of Rs.5200-20200 + grade pay of Rs.2600, as per the

wage settlement and the consequential Government Orders, have not been settled. In this regard, he has also submitted a representation dated 31.12.2016 to the respondents and in spite of receipt and acknowledgement, no favourable orders have been passed. Hence, the petitioner has come forward with the present writ petition.

4. The learned counsel appearing for the petitioner would submit that the matter in issue is squarely covered by 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]***, wherein, the Division Bench has passed orders, ordering payment of terminal benefits, in 12 equal monthly installments, carrying interest at the rate of 6% p.a. and taking into consideration the hardship and misery being suffered by the petitioner, prays for appropriate orders.

5. This Court heard the submissions of Mr.K.Dhanajayan, learned Special Government Pleader for the 1st respondent and Mr.R.K. Gandhi, learned counsel for respondents 2 and 3, who would submit that in the light of the above cited Judgment, appropriate orders may be passed.

6. This Court considered the rival submissions and also perused the materials placed before it.

7. 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.”

8. A similar issue came up for consideration in a batch of cases and one such case is W.P.No.42555 of 2016 and this Court, after hearing the submissions of the learned counsel appearing for the petitioner therein, as well as the submission of Mr.K.Venkataramani, learned Additional Advocate General, by following the above cited Judgment, disposed of the said writ petition on 19.01.2017, the operative portion of which is extracted below:-

“10. In the light of the above facts and circumstances, the State Transport Undertakings/Transport Corporations shall settle all the terminal benefits due and payable to the petitioner in the light of the common judgment rendered in W.A.No.(MD)Nos.383 to 457 of 2015 and the installments to be paid from 01.04.2017. 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”.

9. In the light of the above facts and circumstances and also in the light of the earlier orders passed by this Court, arrears of salary and the terminal benefits due and payable to the petitioner shall be paid by the respondents in 12 equal monthly instalments with interest at 6% p.a. and the 1st instalment shall commence from 1st June, 2017 and to be continuously paid until settling the entire arrears. The respondents shall also pay pension periodically to the petitioner without any default. It is made clear that in case of any delay in making 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 non-compliance of undertaking given to this Court.

10. The writ petition is disposed of accordingly. No costs.

20.02.2017

nv

To

1. The Additional Chief Secretary,
Transport Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
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nv

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Today, the matter is listed under the caption "For Being Mentioned" at the instance of the learned counsel for the petitioner.

2 The learned counsel for the petitioner would submit that it would be suffice to direct the respondents to consider and dispose of the petitioner's representation dated 31.12.2016 in accordance with law in the light of G.O.Ms.No.61, Transport [C] Department, dated 30.04.2015.

3 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.R.K.Gandhi, learned counsel appearing for the respondents 2 and 3.

4 In the light of the submissions made by the learned counsel appearing for the petitioner, the order dated 20.02.2017 is recalled and the facts of the case would disclose that the petitioner entered the service of the 2nd respondent Corporation as a Conductor on 01.04.1981 and promoted to the post of Senior Checking Inspector on 11.08.2011 and his employee number is No.FC0355. The petitioner retired from service on 31.03.2012, arrears of salary and arrears of retirement benefits such as Gratuity, Pension, benefits of leave surrender and medical leave by

revising the scale of pay of Rs.5200-20200 + grade pay of Rs.2600, as per

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the wage settlement and the consequential Government Orders, have not been settled. In this regard, he has also submitted a representation dated 31.12.2016 to the respondents and in spite of receipt and acknowledgment, no favourable orders have been passed. Hence, the petitioner has come forward with the present writ petition.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 31.12.2016 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The order dated 20.02.2017 is clarified accordingly.

03.04.2017

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