

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42820 of 2016

G.Paramasivam

... Petitioner

Vs

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Salai,
Post Box No.713, Salem-636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Salai,
Post Box No.713, Salem-636 007.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to settle the a) payment of gratuity, b) Earned Leave c) Medical leave & Old Medical Leave, d) Institute of Road and Transport Technology (IRTT) Fund and e) Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents: Mr.R.K.Gandhi, Standing Counsel

O R D E R

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

2. The petitioner retired as Gardener from the services of the second respondent Transport Corporation Head Office, Traffic Wing, Salem on 31.08.2013 on attaining the age of

superannuation. The grievance expressed by the petitioner is that though he has retired as early as on 31.08.2013, the retiral/terminal benefits such as Gratuity, Earned Leave, Medical Leave and Old Medical Leave, Institute of Road and Transport Technology (IRTT) Fund, Employees Retirement Benefit Scheme (ERBS) and other retiral benefits have not been settled. In this regard, the petitioner has also submitted a representation dated 15.10.2016 to the respondents and since no orders have been passed, 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 Mr.R.K.Gandhi, learned Standing Counsel for the respondents/Transport Corporation.

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. Uta 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 respondents are 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 respondents, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jvm
To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Salai,
Post Box No.713,
Salem-636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No.12, Ramakrishna Salai,
Post Box No.713,
Salem-636 007.

+1cc to M/S.N.Sudhagar Nagaraj, Advocate Sr.10140

W.P.No.42820 of 2016

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srg 1/3/2017