

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42847 of 2016

K.Sivagnanam

..

Petitioner

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Fund Trust,
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 directing the respondents to disburse the payments relating to Gratuity, E.L. surrender for 15 days in 2014, Earned Leave and Old Medical Leave Salary as per the latest implemented scheme with interest at the rate of 12% per annum with effect from 30.06.2015 within a stipulated time.

For Petitioner

: M/s.Kanna Associates

For Respondents

: Mr.K.Venkataramani,

Additional Advocate General,

assisted by

Mr.K.Dhananjayan, Special Govt.Pleader

and

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.

2. The petitioner joined as a Guard in the then Thanthai Periyar Transport Corporation, which is presently known as Tamil Nadu State Transport Corporation (Villupuram) Ltd., after merger and the petitioner was promoted as Selection Grade Guard in the services of the first respondent and retired from service on 30.06.2015. The grievance expressed by the petitioner is that though he has retired as early as on 30.06.2015, the retiral/terminal benefits such as Gratuity, E.L. Surrender for 15 days in 2014, Earned Leave and Old Medical Leave Salary have not been settled and Pension Commutation and Provident Fund amount alone has been paid. In this regard, the petitioner has also submitted a representation dated 03.11.2016 to the first respondent 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.K.Venkataramani, Additional Advocate General assisted by Mr.K.Dhananjayan, Special Govt. Pleader and Mr.P.Kannan Kumar, learned Standing Counsel appearing 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.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602.

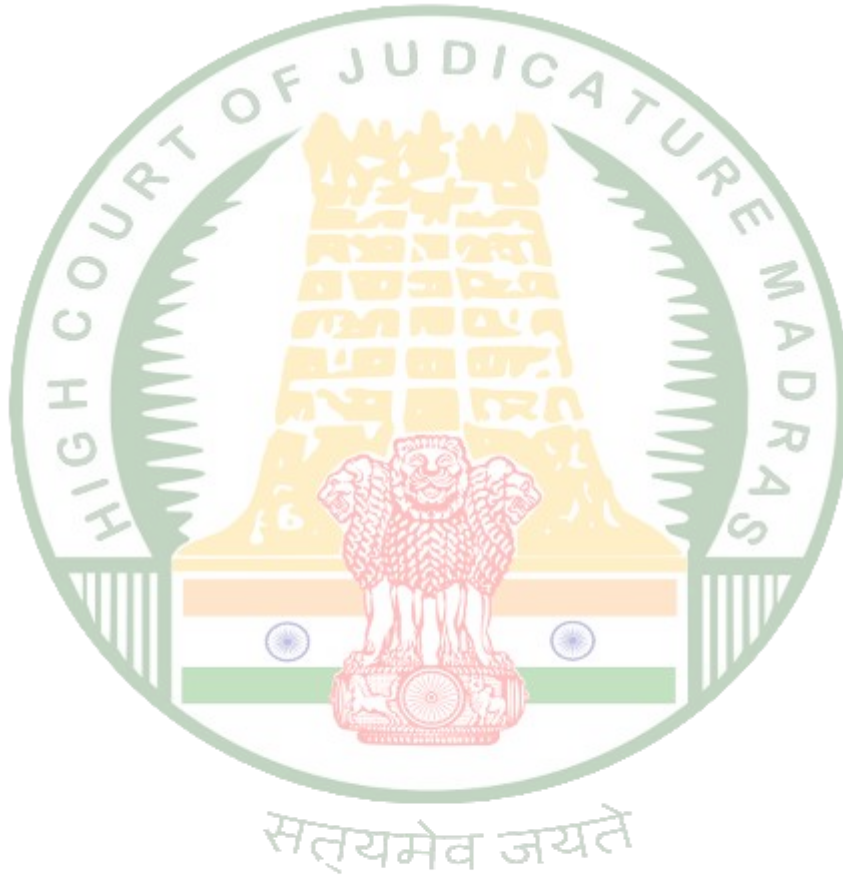
3. The Administrator,
Tamil Nadu State Transport Corporation Employees Fund Trust,
Pallavan Salai, Chennai-600 002.

+1 CC to M/s. Kanna Associates, sr 9176

+1 CC to Mr. P. Kannan Kumar, sr 9317

W.P.No.42847 of 2016

RV (CO)
sp/22/2



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