

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42889 of 2016

Mr.N.Devaraj

..

Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore-641 043.

.. 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 settle the petitioner retirement benefits and to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including Gratuity, Leave Encashment (EL), Leave Encashment (ML-98), pending in service Leave Salary (30 days), Settlement arrears and DA arrears with interest of 18% on delayed payment to the petitioner from 30.06.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD). Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents: Mr.K.Venkataramani,
Additional Advocate General,
assisted by
Mr.K.Dhananjayan, Special Govt. Pleader
for R1

Mr.K.Venkataramani,
Additional Advocate General,
assisted by
Mr.P.Kannan Kumar for R2

O R D E R

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

2. The petitioner joined the service as a Junior Tradesman on 01.05.1987 in the erstwhile Cheran Transport Corporation Ltd., Coimbatore, which is presently known as Tamil Nadu State Transport Corporation (CBE) Ltd., after merger and he retired from service on 30.06.2014 as Senior Tradesman, after rendering 27 years of service. The grievance expressed by the petitioner is that though he has retired as early as on 30.06.2014, the terminal benefits such as Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98), Pending in Service Leave Salary (45 days), Settlement Arrears and DA arrears have not been settled. In this regard, the petitioner has also submitted a representation dated 24.08.2016 to the second 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, learned Special Govt. Pleader for the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel appearing for the second respondent/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. 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 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

True Copy

Sub-Assistant Registrar

jvm

To

1.The Principal Secretary,
The Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St.George, Chennai-600 009.

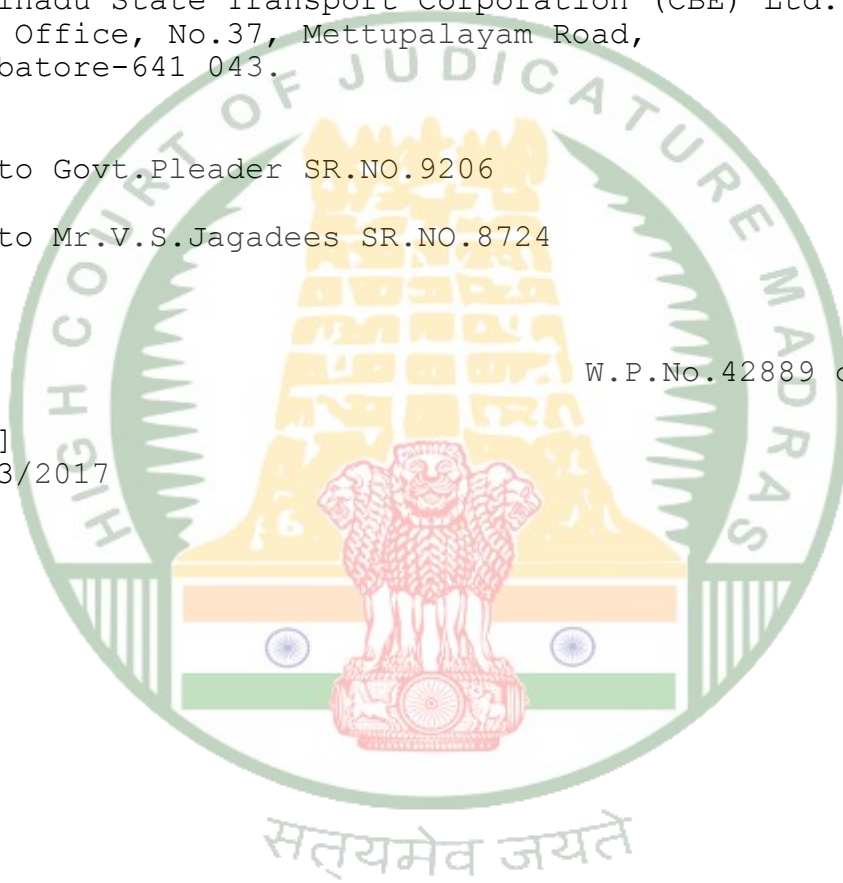
2.The Managing Director,
Tamilnadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore-641 043.

+ 1 CC to Govt.Pleader SR.NO.9206

+ 1 cc to Mr.V.S.Jagadees SR.NO.8724

W.P.No.42889 of 2016

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