

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.42956 of 2016

P.Vijayakumar

..Petitioner

Vs

1. Tamil Nadu State Transport Corporation Limited,
37, Mettupalayam Road,
Coimbatore - 641 043
represented by its Managing Director.

2. The Administrator,
The Tamil Nadu state Transport Corporation
Pension Fund Trust,
Thiruvallurvar House,
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 to direct the respondent to pay to the petitioner all his retirement benefits including Gratuity, Commutation, Leave Salary Amount and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondents within the time frame that may be stipulated by this Honourable Court.

For Petitioner : Mr.A.Rajendiran

For Respondents: Mr.K. Venkataramani
Addl. Advocate General
assisted by
Mr.P.Paramasivadoss,
Standing Counsel for
Transport Corporation

O R D E R

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.M.Paramasivadoss, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner joined the service of the respondent Transport Corporation as a Driver on 20.12.1980 and at the time of retirement on 30.11.2013, he was working as Special Grade Driver. According to the petitioner, he is yet to be conferred with the retiral/terminal benefits such as Gratuity, Commutation and leave salary amount. In this regard, he had submitted a representation to the respondents dated 09.11.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submissions of K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Paramasivadoss, learned Standing counsel appearing for the respondents.

4. The Division Bench of this Court in Writ Appeal[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] has considered the similar issue and by a common judgment dated 12.06.2015, has passed the following order.

"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 (9) 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."

5. In the light of the above facts and circumstances, the 1st respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June 2017 with interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The 1st respondent, apart from paying arrears of pension, shall also continue to pay the monthly pension amount to the petitioner on time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Limited,
37, Mettupalayam Road, Coimbatore - 641 043
2. The Administrator,
The Tamil Nadu state Transport Corporation
Pension Fund Trust, Thiruvallurvar House,
Pallavan Salai, Chennai - 600 002.

+ 1 cc to Mr.P. Paramasiva Doss, Advocate Sr.11225(04.4.2017)

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NR(CO)
Eu 16.3.17