

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43491 of 2016

S. Rajeswari

..Petitioner

Vs

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

..Respondent

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 the petitioner all the terminal benefits which she is entitled on account of the death of her husband including Provident Fund, Gratuity Leave Salary Amount and all other other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Court and to grant her the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of actual or till the date of settlement by the respondent within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A. Rajendiran
For Respondents : Mr.P. Kannan Kumar
Standing Counsel

ORDER

By consent, the writ petition is taken up for final disposal. Mr.Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondent.

2. The petitioner is the widow of late M.Govindasamy. Her husband joined the services of the respondent Transport Corporation as a Company Apprentice (Technical) with effect from 19.11.1988 and retired from service on 10.09.2015 as Senior Tradesman. According to the petitioner, though her husband

retired from service, the terminal/ retirement benefits have not been conferred on him. The petitioner is entitled to terminal / retirement benefits of her husband such as Provident Fund amount, Gratuity amount and Leave Salary amount. In this regard, she has also submitted a representation dated 30.11.2016 and despite receipt and acknowledgment, so far no orders have been passed, and hence, came forward to file the present writ petition.

3. Heard the submissions of learned counsel for the petitioner and Mr.P.Kannan Kumar, 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 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
37, Mettupalayam Road,
Coimbatore-641 043

+1 CC to M/s. A. Rajendran, Advocate sr 13172

+1 CC to M/s. P. Kannan Kumar, Advocate sr 13499

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