

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43536/2016

M.Thangamani

...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
Tamil Nadu 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 retirement benefits namely Gratuity Encashment of Leave Salary (EL) after having duly taking into account the enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.7.2013 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 12.6.2015.

For Petitioner : Mr.V.S.Jagadeesan
For R1 : Mr.K.Dhananjayan, Spl.GP
For R2 : Mr.P.Kannan Kumar

ORDER

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

2 The petitioner was appointed to the post of Conductor on 29.09.1984 in the erstwhile Cheran Transport Corporation Limited and at the time of retirement, the petitioner was serving as Selection Grade Checking Inspector [Staff No.10518] and after putting in 29 years of service, retired on 31.01.2013.

The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Encashment of leave salary (EL), Gratuity amount etc., the same have not been paid and in this regard, he had submitted representations to the respondent dated 07.01.2014 and 09.11.2016 respectively and despite receipt and acknowledgment, no orders have been passed and hence, the petitioner 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 the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing counsel appearing for the 2nd respondent.

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 2nd respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June, 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 2nd respondent, apart from paying arrears of pension, shall also continue to pay the pension amount due and payable to the petitioner without any default.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1 The Principal Secretary,
Government of Tamil Nadu , Transport
Department, Secretariat, Fort St. George,
Chennai-600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd, Head Office, No.37, Mettupalayam Road
Coimbatore-641 043.

+1cc to Mr.P.Kannan kumar, Advocate, S.R.No.10762
+1cc to Mr.V.S.Jagadeesh, Advocate, S.R.No.10479
+1cc to the Government Pleader, S.R.No.10728

NMJ (CO)
RS (08/03/2017)

W.P.No.43536/2016