

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43573/2016

A.Anwar Basha .. Petitioner

Vs

- 1 The Government of Tamil Nadu
Rep by the Secretary, Transport Department
Secretariat, St. George Fort, Chennai 9
- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishnan Road,
Salem 636 007.
- 3 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited Dharmapuri Region
Bharathipuram Dharmapuri 636 705
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 2. .. 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 petitioners retirement benefits including Gratuity, Commutation, EL Surrender, ML Surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount and in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.06.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam
For Respondents: Mr.K.Venkataramani, AAG
assisted by
Mr.K.Dhananjayan, Spl.GP [R1]
Mr.P.Paramasivadoss [RR2 to 4]

ORDER

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

2 The petitioner joined the services of the Tamil Nadu State Transport Corporation [Salem] Limited as a driver on 01.09.1986 and at the time of his retirement from service on 30.06.2012, he was working as a Selection Grade Senior Driver and was drawing a salary of Rs.23086/-. The grievance expressed by the petitioner is that though he is entitled to get various retiral/terminal benefits such as Gratuity, Commutation, EL Surrender, ML Surrender, DA arrears, Settlement arrears, ERBS arrears and IRT amount etc., the same have not been paid and in this regard, he had submitted a representation to the respondent dated 30.09.2016 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.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Paramasivadoss, learned Standing counsel appearing for the respondents 2 to 4.

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 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

To

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Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 2.

+1cc to Mr.M. Selvam, Advocate, S.R.No.10455

+1cc to Mr.P. Parmasiva Doss, Advocate, S.R.No.10682

+1cc to the Government Pleader, S.R.No.10734

sr(CO)

md(07/03/2017)

W.P.No.43573/2016

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