

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43611 of 2016

N.Balaji

..

Petitioner

Vs

1. Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu,
Villupuram 605 602.
 2. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
3/137, Salamedu, Villupuram Region,
Villupuram.
 3. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, 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 directing the respondents to pay the petitioner a sum of Rs.3,14,732/- towards gratuity; a sum of Rs.687/- towards arrears of difference in D.A. payable along with monthly pension for 3 months in 2016 and revised monthly pension based on the above increased D.A. and based on the further increase and revision in pension and D.A. with arrears with effect from December, 2016; a sum of Rs.2,02,978/- towards earned leave salary for 196 days and monthly pension payable under the Post Retirement Benefit Scheme from September 2016 with arrears, together with interest at the rate of 12% per annum for all the above benefits and also to pay him interest for the belated payment of service/terminal benefits including the commuted value of pension, which were already paid to the petitioner.

For Petitioner : Mr.R.Krishnaswamy
Mr. K. Venkatramani, AAG, Assisted by
For Respondents : Mr.P.Kannan Kumar
Standing Counsel for Transport Corporation

O R D E R

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

2. The petitioner joined the services of the first respondent Corporation as a Driver on 04.08.1998 and subsequently promoted as Selection Grade Driver. The petitioner, after rendering 18 years of service, retired on 31.08.2016. The grievance expressed by the petitioner is that though he has retired as early as on 31.08.2016, the retiral/terminal benefits such as Gratuity, Commutation, Earned Leave Surrender, Medical Leave Surrender, DA Arrears, Settlement arrears, ERBS Pension and IRT amounts have not been settled. In this regard, the petitioner has also submitted a representation dated 02.12.2016 to the respondents 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 the submissions of Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents/Transport Corporation also.

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 second respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 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 second 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. This Writ Petition is disposed of accordingly. No costs.

s/d-

Assistant Registrar (CCC)

//True Copy//

Sub-Assistant Registrar

To

1. Managing Director,
Tamilnadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram 605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram Region,
Villupuram.

3. The Administrator,
Tamil Nadu State Transport Corporations,
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-600 002.

+2 Ccs to P. Kannan Kumar, Advocate sr 6881

+1 CC to Mr. V. Ajay Khose, Advocate sr 6447

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