IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43631 of 2016

N.Palanisamy ... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Rep.by its Managing Director,
Coimbatore. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the respondent to pay the petitioner Rs.6,23,665/- towards Gratuity, Rs.2,93,382/- towards E.P.F. Employee's Contributions and Rs.2,477/- towards leave salary together with 18% interest per annum within a time frame.

For Petitioner : Mr.V.Ajoykhose

For Respondent : Mr.K.Venkataramani,
Additional Advocate General
Assisted by Mr.P.Kannankumar

O R D E R

By consent, this writ petition is taken up for final disposal. Mr.P.Kannan Kumar, learned Standing Counsel accepts notice on behalf of the respondent and represented by Mr.K.Venkataramani, learned Additional Advocate General.

2. The petitioner was appointed in the respondent Corporation as ''Driver'' from 07.12.1986. He was working as 'Special Grade Driver' at Coimbatore region and after completion of more than 29 years of service, he retired on 31.08.2016. According to the petitioner, immediately after retirement, various terminal benefits such as Gratuity, encashment of leave salary, etc. due and payable to him has not been paid and hence he made representation on 04.11.2016 to the respondent. Despite receipt and acknowledgment, no order has been passed and hence he has come forward to file this writ petition.

3. The learned counsel for the petitioner has drawn attention of this Court to the common judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015,

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[K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others], wherein, the Division Bench, in similar facts and circumstances 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 (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."

4. In the light of the above facts and circumstances, the respondent is directed to settle all the retirement terminal benefits due and payable to the petitioner in twelve (12) equal monthly installments commencing from May 2017, in terms of the above cited common judgment. It is also made clear that in default in making any one of the installment, the respondent is also liable to pay the default interest @ 18% per annum on the belated payment and they shall also continue the monthly installment to the petitioner on time and without any default.

5. The writ petition is disposed of accordingly. No costs.

sd/
Assistant Registrar(J)

/true copy/

Sub Assistant Registrar

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To

The Managing Director,
The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore.

+1cc to Mr.V.Ajoykhose, Advocate SR.No.6822
+1cc to Mr.P.Kannan, Advocatee SR.No.7398

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NM(CO)
GN(01/03/2017)

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