

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43669 of 2016

and WMP.No.37587 of 2016

Mr.N.Gokulan

.. Petitioner

Vs

1.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Post Retirement Welfare Fund Scheme,
Thiruvallur House, Pallavan Salai,
Chennai-600 002.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy Road, Villupuram.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region, Vellore-632 109.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent to sanction the petitioner's retirement benefits on the basis of the petitioner's representation dated 30.11.2016 along with accrued interest within stipulated time frame as may be fixed by this Court.

For Petitioner : M/s.Dass and Viswa Associates

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 third respondent Corporation as Conductor on 23.01.1986 and vide proceedings dated 26.11.1986, he was inducted as daily labourer at Rs.18.50/- per day and his services were regularized vide proceedings dated 27.06.1987 and became permanent employee of the third respondent corporation. The petitioner, after completing 30 years of service as Conductor, retired on 31.05.2016. The grievance expressed by the petitioner is that though he has retired as early as on 31.05.2016, 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 30.11.2016 to the third respondent 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 Mr.P.Kannan Kumar, learned counsel appearing for the respondents/Transport Corporation.

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 third respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from May 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 third 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. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar (CO)

/true copy/ सत्यमेव जयते

Sub Assistant Registrar

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To

1.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Post Retirement Welfare Fund Scheme,
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2.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy Road, Villupuram.

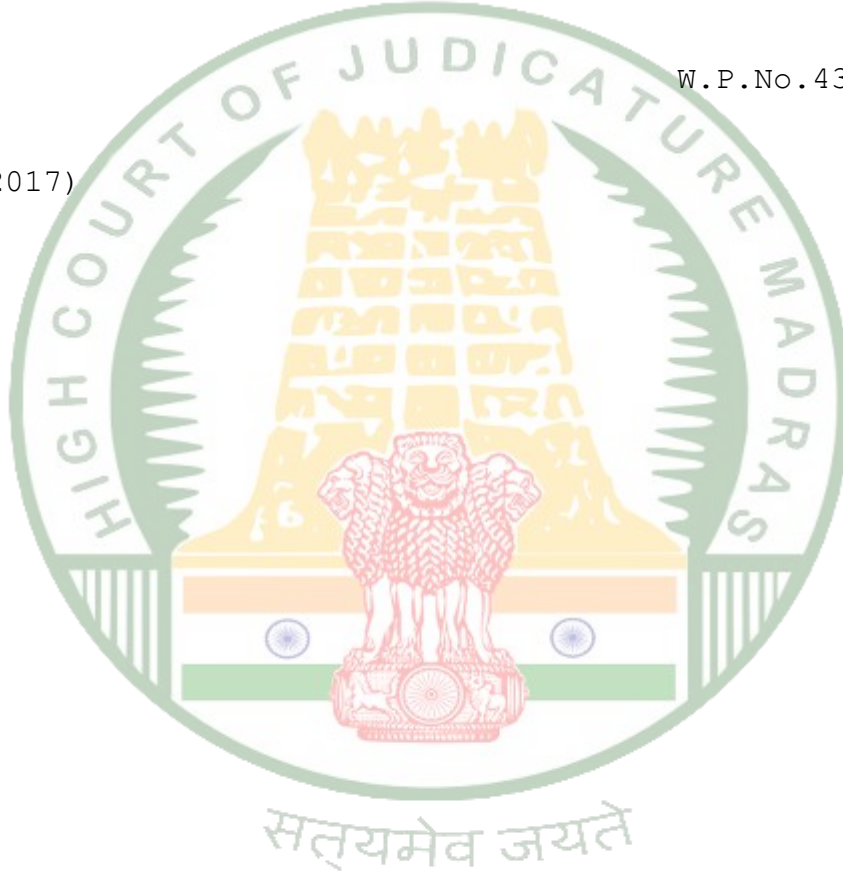
3.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Vellore-632 109.

+1cc to MR.Dass Law Association, Advocate SR.No.6446

+2cc to Mr.P.Kannan Kumar, Advocate SR.No.6882.

W.P.No.43669 of 2016

KS (CO)
GN (17/02/2017)



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