

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44394/2016

S.Mohana Sundaram .. Petitioner

Vs

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

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to pay the petitioner Rs.5,08,327/- towards Gratuity and Rs.11,140/- towards Leave Salary, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employee's Contribution Rs.2,96,484/- for the period from 30.04.2013 to 29.06.2013 at the rate as per E.P.F.Scheme, within a time frame by this Court.

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.K.Venkatramani , AAG
Assisted by Mr.P.Kannan Kumar

ORDER

By Consent, the writ petition is taken up for final disposal. Mr.K.Venkatramani, learned Additional Advocate General, assisted by Mr.P.Kannan Kumar, learned Standing counsel, accepts notice on behalf of the respondent.

2 The petitioner was working in the services of the respondent Corporation as a Conductor from 12.04.1980 and after completion of more than 33 years of service, he retired on 30.04.2012, as a Special Grade Conductor. According to the petitioner, at the time of his retirement, he is entitled to the retiral/terminal benefits such as Gratuity, Encashment of Leave etc., and since the said benefits have not been disbursed, he had submitted a representation dated 17.11.2016 and since no orders have been passed, 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 appearing for the respondent assisted by Mr.P.Kannan Kumar, learned Standing counsel.

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 respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st 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

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.

06.02.2017

Index : No

Internet : Yes

AP

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