

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44419 of 2016

T. Ganesan

...Petitioner

Vs

1. The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
rep by its Managing Director,
Coimbatore
2. The Administrator,
Tamil Nadu State Transport Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai - 2

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to pay the petitioner Rs.4,03,338/- towards Gratuity, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employee's Contribution Rs.2,61,554/- for the period from 30.04.14 to 26.08.14 at the rate as per E.P.F. Scheme and further directing the 1st & 2nd respondents to pay him Rs.1,62,531/- towards the Pension Commutation and arrears of pension for the period from 01.05.14 by revising his pension, together with 18% per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e., April 2014 by revising the same as per the settlement dated 13.04.15.

For Petitioner :

Mr.V. Ajoykhose

For Respondents:

Mr.K. Venkataramani

Addl. Advocate General

assisted by

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. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner joined the service of the respondent Transport Corporation as a Driver on 21.08.1990 and after putting in 23 years of service he retired as a Special Grade Driver on 31.04.2014 with Staff No.90DR1/014779. According to the petitioner, he is yet to be conferred with the retiral/terminal benefits such as Gratuity, E.P.F. amount, Pension commutation amount etc. In this regard, he had submitted a representation to the respondent dated 09.12.2016 and despite receipt and acknowledgment, no orders have been passed and hence, came forward to file the present writ petition.

3. Heard the submissions of K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannan Kumar, learned Standing counsel appearing for the respondents.

4. The Division Bench of this Court in Writ Appeal[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] has considered the similar issue and by a common judgment dated 12.06.2015, 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 (9) 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."

5. In the light of the above facts and circumstances, the 1st respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments commencing from 1st June 2017 with interest at the rate of 6% per annum and in the event of default, the interest payable will become 18% per annum. The 1st respondent, apart from paying arrears of pension, shall also continue to pay the monthly pension amount to the petitioner on time without any default.

6. The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore
- 2 The Administrator,
Tamilnadu State Transport Employees Pension Fund Trust,
Thiurvalluvar Illam, Anna salai, Chennai-2.

+1cc to Mr.Ajoy khose, Advocate, S.R.No.11672
+1cc to Mr.Kannan kumar, Advocate, S.R.No.11645

KJ(CO)
RS(13/03/2017)

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