

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44420 of 2016

M. Dharuman

...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.9,05,372/- towards Gratuity Rs.3,87,033/- towards E.P.F Employee's Contributions and Rs.4,33,440/- towards leave salary, together with 18% interest per annum and further directing the respondents to pay him Rs.3,33,300/- towards the Pension Commutation amount, together with 18% interest per annum, within a time frame as may be fixed by this Court.

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 Junior Tradesman on 02.02.1980 and after putting in 36 years of service, he retired as a Foreman on 30.09.2015 with Staff No.80ES1/007082. 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 7<sup>th</sup> 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 1<sup>st</sup> respondent is directed to settle the retiral/terminal benefits to the petitioner in twelve equal monthly installments

commencing from 1<sup>st</sup> 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 1<sup>st</sup> 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

vsi

To

1. The Managing Director,  
The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.,  
Coimbatore.
2. The Administrator,  
Tamil Nadu State Transport Employees' Pension Fund Trust,  
Thiruvalluvar 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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