

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44565 of 2016

R.Mani

..Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem - 636 007
 2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri - 636 705.
 3. The Administrator,
Tamilnadu State Transport Corporation
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai
Chennai - 600 002.
- ..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Co-operative Thrift amount, ERBS amount, D.A. arrears, 5.5 Settlement arrears, 5.5. Pension arrears and all other attendant benefits by calculating D.A. eligible as per the fixation made by the government of Tamilnadu periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2014 within the stipulated time as may be fixed by this court.

For Petitioner : Mr.J.Pradeep

For Respondents: Mr.K.Venkataramani,
Additional Advocate General
assisted by
Mr.R.K.Gandhi
Standing Counsel for
Transport Corporation.

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.R.K.Gandhi, learned Standing counsel for Transport Corporation accepts notice on behalf of the respondents.

2. The petitioner joined the services in the erstwhile, Annai Sathya Transport Corporation, Dharmapuri, as Conductor on 10.02.1988 and after merger, the erstwhile Corporation was named as Tamilnadu State Transport Corporation and the petitioner retired from service on 30.06.2014 as a Senior Conductor. According to the petitioner, on his retirement, he is entitled to terminal / retirement benefits such as Gratuity, Co-operative Thrift amount, ERBS amount, D.A. arrears, 5.5 Settlement arrears, 5.5. Pension arrears and all other attendant benefits by calculating D.A. eligible as per the fixation made by the government of Tamilnadu periodically along with the entitled difference of dearness allowances but he is not conferred with the said benefits. In this regard, he had submitted a representation to the 2nd respondent dated 09.11.2016 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.R.K.Gandhi, 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 May 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 in time without any default.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road, Salem - 636 007
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region, Dharmapuri - 636 705.
3. The Administrator,
Tamilnadu State Transport Corporation
Employees Post Retirement welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.

+1cc to Mr.J. Pradeep, Advocate, S.R.No.8173

+1cc to Mr.R.K. Gandhi, Advocate, S.R.No.7877

VGI (CO)

EU 20.2.17

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