

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44652/2016

V.Kumar

..

Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram-605 602.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore-607 001.
 - 3.The Administrator,
Tamil Nadu 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, Leave Surrender (Earned Leave & Old Medical Leave), Pension Commutation, DA arrears and others 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 01.06.2016 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.G.Sakthivel
For Respondents: Mr.K.Venkataramani , 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 counsel accepts notice on behalf of the respondents.

2 The petitioner joined the services of the Tamil Nadu State Transport Corporation [Villupuram] Limited, Chidambaram, as a Conductor on 14.07.1985 and on attaining the age of superannuation, he retired from service on 31.12.2015 as a Selection Grade Conductor. According to the petitioner, at the time of his retirement, he is entitled to the retiral/terminal benefits such as Gratuity, Pension Commutation, Leave Surrender [Earned Leave and Old Medical Leave], DA Arrears etc., and since the said benefits have not been disbursed, the petitioner submitted a representation dated 12.12.2016 and since the said representation is yet to be given disposal, 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 respondents 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. Uta 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 1st 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 1st 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram-605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore-607 001.

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

+1cc to Mr.P. Kannan Kumar, Advocate, S.R.No.8499
+1cc to Mr.G. Sakthivel, Advocate, S.R.No.7657

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md(20/02/2017)

W.P.No.44652/2016



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