



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.03.2017**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**
AND
THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

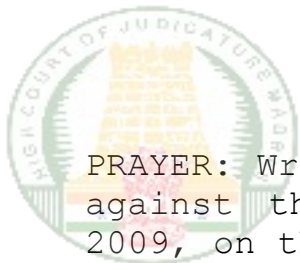
W.A. [MD] .No.284 of 2017
and
C.M.P. (MD) .No.3050 of 2017

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye-pass Road,
Madurai.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar Division, Bye-pass Road,
Madurai.
- : Appellants

Vs.

- 1.T.Nambirajan
- 2.V.Viswanathan
- 3.V.Ramanujam
- 4.M.Packiyaraj
- 5.S.Baskaran
- 6.R.Sankaralingam
- 7.P.S.Ramachandran
- 8.P.Thangamariappan
- 9.G.Subburaj
- 10.K.Thangapandian
- 11.R.Mariappan
- 12.R.Palanichamy
- 13.S.Natarajan
- 14.A.Perumalsamy
- 15.The Chairman and Secretary to Government,
Transport Department, Fort.St.George,
Chennai.
- 16.The Administrator,
TNSTC Employee Pension Trust,
SEIC Campus, Pallavan Salai,
Chennai.

: Respondents



PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 24.07.2009 made in W.P.(MD).No.3614 of 2009, on the file of this Court.

Prayer in WP(MD). 3614/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Mandamus directing the respondent to settle the terminal benefits which is due to the petitioners including leave salary, commutation amount and terminal benefits along with interest at the rate of 18% per annum from the date of retirement till the date of payment.

For Appellant : Mr.A.P.Muthupandian
For Respondent : No Appearance

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order dated 24.07.2009 made in W.P.(MD).No.3614 of 2009. By the said order, the retirement benefits payable to the writ petitioners was directed to be settled within a time frame. This direction was issued following the earlier order made in W.P.(MD).No.11454 and 8758 of 2008 dated 23.12.2008. It is not known as to whether the retirement benefits have been settled to the respondents/Writ Petitioners. Be that as it may, similar issue was considered by the Hon'ble First Bench of this Court in **W.A.(MD).Nos.383 to 457 of 2015**, dated **12.06.2015**, [**K.Rajendran Vs. Tamil Nadu State Transport Corporation [Madurai] Ltd.**], and a Common Judgment was passed as follows:-

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2, dated 11/6/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

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. UTTAR HARYANA BIJLI VITRAN NIGAM LTD & ORS [2014 (9) SCALE - 78]**, wherein it is held that in case of any delay in making the payment of the instalments, 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.

The installments to be paid from July 2015 and each installments should be paid on or before 7th of each month".



2. Following the decision, referred to above, the present Writ Appeal is disposed of, directing the appellants Corporation to settle the terminal benefits to the respondents herein in twelve equal monthly installments carrying interest at the rate of 6% per annum and the first installment shall commence from Fifth April 2017. Further more, as observed by the Hon'ble First Bench, in case of any delay in making the payment of installments, the interest payable would become 18% per annum, for the delayed period, apart from any other remedy, which may be available to the respondents for non-compliance of undertaking given to the Court. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye-pass Road, Madurai.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Virudhunagar Division, Bye-pass Road,
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- 3.The Chairman and Secretary to Government,
Transport Department, Fort.St.George, Chennai.
- 4.The Administrator,
TNSTC Employee Pension Trust,
SETC Campus, Pallavan Salai,
Chennai.

NB

AE/KP/SAR4/13.04.2017/3P/5C

**JUDGMENT MADE IN
W.A. [MD] .No.284 of 2017
28.03.2017**