



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.(MD)No.21362 of 2017

V.Manoharan

S/o.Varatharajaperumal

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Byepass Road, Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul - 4.

3.The Administrator,
Tamil Nadu Transport Corporation Employees
Pension Fund Trust, Pallavan Salai,
Chennai-2. ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the retirement benefits of Rs.6,28,302/- towards Gratuity, Rs.6,23,867/- towards Provident Fund, Rs.1,93,681/- towards Leave Salary, Rs.15,000/- towards Employees Retirement Benefit Scheme and Rs.17,116/- towards unpaid pension for one month along with 18% interest.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.A.Jeyaram, for R1 & R2
Mr.A.P.Muthupandian, for R3

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to settle the retirement benefits of Rs.6,28,302/- towards Gratuity, Rs.6,23,867/- towards Provident Fund, Rs.1,93,681/- towards Leave Salary, Rs.15,000/- towards Employees Retirement Benefit Scheme and Rs.17,116/- towards unpaid pension for one month along with 18% interest.

2.Heard Mr.S.Govindan, learned counsel appearing for the petitioner and Mr.A.Jeyaram, learned counsel appearing for the first and second respondents and Mr.A.P.Muthupandian, learned counsel appearing for the third respondent.



3.The petitioner who was employed as Driver in Tamil Nadu State Transport Corporation (Madurai) Ltd., retired from service on attaining the age of superannuation on 31.03.2016. Prior to his retirement, he had been inflicted with a penalty of recovery of Rs.69,900/- by an order dated 03.03.2015, issued by the second respondent and the said amount was directed to be recovered from his salary in 75 monthly installments.

4.The learned counsel appearing for the petitioner would submit on the basis of the additional affidavit, dated 07.12.2017 filed by the petitioner that the aforesaid order of recovery of Rs.69,900/- has been challenged by the petitioner in W.P.(MD).No.3718/2015 before this Court which is pending and that a sum of Rs.18,000/- had already been recovered from his salary till his retirement on 31.03.2016. He would further submit that the petitioner had been paid monthly provisional pension of Rs.12,838/- instead of Rs.17,116/- that was actually due to him and in consequence thereof, an aggregate sum of Rs.94,000/- has been recovered from the petitioner.

5.The grievance of the petitioner in this writ petition is that despite the recovery of a sum of Rs.94,000/- from him, as against the recovery order of Rs.69,900/-, his other terminal benefits have not yet been settled, despite his representation dated 21.06.2017 made in that regard. In this backdrop, the present writ petition has been filed seeking a direction to the respondents to settle the retirement benefits of Rs.6,28,302/- towards Gratuity, Rs.6,23,867/- towards Provident Fund, Rs.1,93,681/- towards Leave Salary, Rs.15,000/- towards Employees Retirement Benefit Scheme and Rs.17,116/- towards unpaid pension for one month along with 18% interest.

6.It is brought to the notice of this Court by the learned counsel on both sides that the Division Bench of this Court, by an order passed in W.P.(MD) Nos.383 to 457 of 2015, while dealing with the payment of terminal benefits of the employees of the Transport Corporation has passed the following order:

"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.

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. 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 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 installments to be paid from July 2015 and each installments 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."

7.Since the petitioner has sought for a similar relief of payment of terminal benefits, this Writ Petition is disposed of with the following directions:

(i) the respondents shall inform the eligible amount to be paid to the petitioner on or before 28th February, 2018;

(ii) terminal benefits shall be paid to the petitioner in 12 equal monthly installments, carrying interest at 6% p.a. commencing from March, 2018, which should be paid on or before 7th day of each month;

(iii) in the event of default of payment of installments, the defaulted amount shall carry interest at the rate of 18% per annum for the delayed period;

(iv) in the event of default of payment of the installments or there is any factual dispute on computation of the aforesaid amounts resulting in short payment, the petitioner shall be at liberty to pursue the available remedies for the same in accordance with law.

8.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Managing Director,
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Byepass Road, Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Dindigul Region, Dindigul.

3.The Administrator,
Tamil Nadu Transport Corporation Employees
Pension Fund Trust, Pallavan Salai,
Chennai-2.

+1cc to M/S.S.Govindan, Advocate SR.No. 92346

W.P. (MD) No. 21362 of 2017

Dated : 12.12.2017