



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P (MD) No.21902 of 2017

S.Krishnan

... Petitioner

vs.

1.The Secretary,
Department of Transport,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

2.The Managing Director,
Tamilnadu State Transport Corporation (Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi Nagar,
Karaikudi, Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner as per the similar order of this Hon'ble Court dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015 from the date of his retirement within the time limit prescribed by this Hon'ble Court.

For Petitioner : Mr.K.C.Ramalingam

For 1st Respondent : Mr.S.Sadesh Kumar,
Additional Government Pleader

For Respondents 2 & 3 : Mr.D.Sivaraman
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to pay the retirement benefits with interest to the petitioner as per the similar order of this Hon'ble Court dated 12.06.2015 in W.A. Nos.383 to 457 of 2015 from the date of his retirement within a time limit that may be fixed by this Court.



2. Heard Mr.K.C.Ramalingam, the learned counsel appearing for the petitioner, Mr.S.Sadeshkumar, the learned Additional Government Pleader, who takes notice for the 1st respondent and Mr.D.Sivaraman, the learned counsel who takes notice for the second and third respondents. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. It is brought to the notice of this Court by the learned counsel on both sides that a Division Bench of this Court by order dated in W.A.(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 instalments, 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 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.

3. The instalments 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."

4. 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 2 & 3 shall inform the eligible amount to be paid to the petitioner on or before 15th December, 2017;

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



(iii) in the event of default of payment of instalments, 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 instalments, it is open to the petitioner to avail appropriate remedy in accordance with law; and (v) in the event of any factual dispute on computation of the aforesaid amounts, resulting in short payment to the petitioner, the petitioner shall be at liberty to pursue the available remedies for the same in accordance with law.

No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Secretary,
Department of Transport,
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- 2.The Managing Director,
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- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi Nagar,
Karaikudi, Sivagangai District.

+1cc to Spl.Government Pleader Sr.No.90551
+2cc to Mr.K.C.Ramalingam, Advocate Sr.No.90178
+1cc to Mr.D.Sivaraman, Advocate Sr.No.90485

SJ

VB/MR/KKR/SAR1/07/12/2017/3P/8C

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