

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.21391 of 2019

A.Venkatesan

...Petitioner

Vs.

1.Metropolitan Transport Corporation,
Pallavan House, Pallavan Salai,
Chennai - 600 002.
Rep by its Managing Director.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

3.Principal Secretary,
Transport Department,
Fort St.George, Secretariat,
Chennai - 600 009.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity, Provident Fund, Commutation, Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondents within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A.Rajendran
For Respondents : Mrs.Rajeni Ramadoss,
Standing Counsel

ORDER

The petitioner was working as a driver in the respondent/ Corporation with effect from 13.09.1986. He had retired from service on attaining the age of superannuation on 31.05.2019.

Before his retirement, he was working as Special Grade Driver-Helper. On his retirement, the petitioner was entitled to terminal benefits to the tune of Rs.43,38,486/- towards Gratuity, Provident Fund, Commutation, Leave Salary and other allowances. After his retirement, the petitioner has made several representations and also approached the Authorities in person to settle his terminal benefits but so far nothing has fructified towards payment of terminal benefits to the petitioner.

2.In the said circumstances, the petitioner is before this Court seeking for issuance of writ of mandamus directing the respondents to pay the retirement benefits, Gratuity, Provident Fund, Commutation, Leave Salary and other benefits with interest at the rate of 18% per annum.

3.When the writ petition is taken up for hearing, the learned counsel for the petitioner would submit that in an identical situation, a Division Bench of this Court passed an order in a batch of Writ Appeals in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 issuing the following directions, which are extracted hereunder;

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2016-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal installments, carrying interest of 6% per annum.

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 Hon'ble Supreme Court in D.D.Tewari (D) & others Vs. Uttar Haryana Bijli Vitran Nigam Ltd., & others [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% per annum, for the delayed period start 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."

4.The learned counsel for the petitioner would submit that he would be satisfied if the same direction issued in this case also.

5.At this, the learned counsel appearing for the respondent/ Corporation would submit that the Corporation may be directed to settle the entire retirement benefits due to the petitioner in twelve installments with 6% interest as directed by the Division Bench of this Court.

6.In view of the above submission, the writ petition is disposed of as under;

(i)The respondent/Corporation is directed to settle all the terminal benefits due to the petitioner towards Gratuity, Provident Fund, Commutation, Leave Salary and other benefits as admissible, with twelve equated monthly installments along with 6% interest commencing from August, 2019.

(ii)The Corporation is directed to pay monthly installments on or before 7th of every month and in case of any delay in paying equated monthly installments, the Corporation is liable to pay further interest to be calculated at the rate of 18% per annum.

(iii)The Corporation is directed to strictly comply with the installments in the time stipulated for the payment of installments without any further default.

7.No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director, Metropolitan Transport Corporation, Pallavan House, Pallavan Salai, Chennai - 600 002.
- 2.The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust, Thiruvalluvar House, Pallavan Salai, Chennai - 600 002.
- 3.The Principal Secretary, Transport Department, Fort St.George, Secretariat, Chennai - 600 009.

+1 cc to M/s.A.Rajendiran,Advocate Sr.No. 65246
+1 cc to M/s.S.Rajeni Rmadass, Advocate SR.No.65979

AKM/12.09.19/3P-6C/

W.P.No.21391 of 2019