

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.1647 of 2021

D.Jebaraj Albert Iyadurai

.... Petitioner

Vs

M/s.State Express Transport Corporation,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai -600 002.

..... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondent to settle (a) a sum of Rs.9,32,492/- towards commutation amount, (b) a sum of Rs.6,14,921/- towards provident fund, (c) a sum of Rs.12,03,000/- towards Gratuity, (d) a sum of Rs.5,44,000/- towards Leave Salary and (e) a sum of Rs.4500/- towards deposit towards Erode Engineering College and Perundurai Medical College and altogether a sum of Rs.32,98,913/- with 6% interest by considering the representation of the petitioner dated 11.05.2020.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.K.Kathiresan

O R D E R

Mr.K.Kathiresan, learned Standing Counsel takes notice on behalf of the respondent. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed, seeking a direction to the respondent to consider the representation of the petitioner dated 11.05.2020 and settle the retirement benefits due to him, with interest.

3.The case of the petitioner is that he joined as Record Clerk in the respondent Corporation and retired from service as Superintendent, on reaching the age of superannuation on 31.03.2020. However, he was not paid retirement benefits due to him, till date. According to the petitioner, the respondent is

due to pay a sum of Rs.9,32,492/- towards commutation, Rs.6,14,921/- towards provident fund, Rs.12,03,000/- towards Gratuity, Rs.5,44,000/- towards Leave Salary and Rs.4,500/- towards deposit towards Erode Engineering College and Perundurai Medical College, in totaling a sum of Rs.32,98,913/-. Hence, the petitioner made a representation on 11.05.2020 to the respondent in this regard. Finding no response on the same, the present writ petition came to be filed for the aforesaid relief.

4.The learned counsel for the petitioner submitted that in similar circumstances, 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, 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."

Hence, the learned counsel prayed for similar order in this writ petition as well.

5.The learned Standing Counsel taking notice for the respondent fairly submitted that the respondent would consider the claim of the petitioner in the light of the aforesaid order passed by the Division Bench of this Court.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation of the petitioner dated 11.05.2020 and pass appropriate orders, on merits and in accordance with law and also in the light of the order dated 12.06.2015 passed by the

Division Bench of this Court in WA.Nos.383 to 457 of 2015, within a period of eight weeks from the date of receipt of a copy of this order.

7.The Writ Petition is disposed of with the above direction.
No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

vum

To

The Managing Director,
M/s.State Express Transport Corporation,
No.2, Pallavan Salai,
Chennai -600 002.

+1 CC to Mr.K.Kathiresan, Advocate sr 4551.

+1 Cc to Mr.D.Soundar Raj, Advocate sr 4713.

W.P.No.1647 of 2021

SRA(CO)
SP(01/03/2021)

सत्यमेव जयते

WEB COPY