



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:16.02.2015

CORAM:
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P. (MD) Nos.16851 and 16852 of 2014

1.S.Gurusamy ... Petitioner in W.P.16851/2014
2.N.R.Kannan ... Petitioner in W.P.16852/2014

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai)Ltd.,
Madurai Region, Bypass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Madurai)Ltd.,
Madurai Region, Bypass Road,
Madurai.

... Respondents in both Wps.

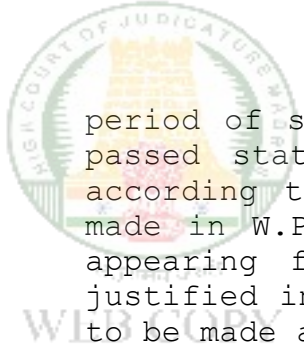
COMMON PRAYER: Writ Petition are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the 2nd respondent in Ref Law/WP.9374/2014, dated 15.07.2014 and Law/WP.11518/2014, dated 22.09.2014 respectively and quash the same and consequently direct the 2nd respondent herein to disburse the retirement benefits to the petitioner along with interest immediately without any further delay.

For Petitioners : Mr.B.Jameel Arasu
(in both Wps.)
For Respondents : Mr.A.Jeyaram
(in both Wps.)

COMMON ORDER

In both the writ petitions the petitioners are aggrieved against the respective impugned orders passed against them wherein and whereby, the petitioners were informed that their request for payment of retirement benefits will be considered, according to their seniority.

2. It is not in dispute that both the petitioners were the employees of the respondent Corporation and retired from service. In so far as the Writ Petition in W.P.(MD)No.16852 of 2014 is concerned, earlier he approached this Court and filed W.P.(MD)No.11518 of 2014 and sought for a Mandamus, directing the respondents to settle the retirement benefits with 12% interest. In the said writ petition, after observing that there is no question of maintaining any seniority in the matter of disbursing the retirement benefits, the learned single Judge directed the respondents therein to consider the representation of the petitioner dated 02.12.2013, as expeditiously as possible and in any case, within a



period of six weeks. Thereafter, the present impugned order came to be passed stating that the petitioner will be paid retirement benefits, according to the seniority. Now, taking advantage of the observation made in W.P.(MD)No.11518 of 2014, dated 20.08.2014, the learned counsel appearing for the petitioners submitted that the respondents are not justified in stating that the disbursement of the retirement benefits has to be made according to the seniority.

3. No doubt, at paragraph No.3 of the order made in W.P.(MD)No.11518 of 2014, dated 20.08.2014, the learned single Judge has observed that there is no question of maintaining a seniority in the matters of disbursing the terminal benefits in respect of the employees in the respondent Corporation. But, unfortunately, it was not brought to the notice of the learned Judge about the earlier order passed by the Division Bench, dated 04.07.2014 in W.A.(MD)No.403 of 2010 etc., batch wherein, the Division Bench, while disposing of those matters, directed the Corporation to apply uniform rate of interest at 6% per annum and make disbursement in accordance with the seniority. Such order came to be passed based on the request made by the learned Additional Advocate General that the Corporation was in dire financial constraints and therefore, permission may be granted to the Corporation to make payments, by maintaining a seniority. When such an order of the Division Bench was passed on 04.07.2014, directing the respondent Corporation to disburse the retirement benefits in accordance with the seniority, the subsequent order passed by the learned single Judge without reference to the Division Bench order, as stated supra, cannot be taken advantage by the petitioners to seek the retirement benefits overlooking their seniority. More so, only an observation was made to that effect while directing the respondent Corporation to dispose of the representation of the petitioner, dated 02.12.2013. So, while considering the said representation and passing the orders there on, the respondents cannot be found fault with in applying the seniority, as directed by the Division Bench in W.A.(MD)No.403 of 2010 etc., batch, dated 04.07.2014. Therefore, I find no merits to interfere with the orders impugned in these writ petitions. However, the respondents have to strictly follow the direction issued by the Division Bench in the order dated 04.07.2014, as stated supra, and disburse the retirement benefits to the petitioners with interest at the rate of 6% per annum, in accordance with their seniority.

4. In the result, the writ petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RTI)

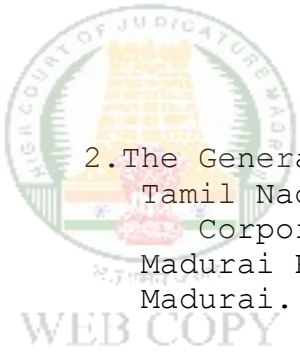
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Sub Assistant Registrar

MPK

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region, Bypass Road,
Madurai.



2.The General Manager,
Tamil Nadu State Transport
Corporation (Madurai)Ltd.,
Madurai Region, Bypass Road,
Madurai.

+2cc to MR.B.JAMEEL ARASU, ADVOCATE IN SR NO.7223

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