

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-04-2016

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.Nos.12615 to 12621 of 2016

K.Ganesan	...Petitioner in WP.12615 of 2016
M.Loganathan	...Petitioner in WP.12616 of 2016
K.Shanmugam	...Petitioner in WP.12617 of 2016
P.Sundara Prakasam	...Petitioner in WP.12618 of 2016
K.Raju	...Petitioner in WP.12619 of 2016
M.Kanagasabapathy	...Petitioner in WP.12620 of 2016
K.Prabakaran	...Petitioner in WP.12621 of 2016

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division
No.12, Ramakrishna Road
Post Box No.713
Salem - 636 007
 2. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division
No.12, Ramakrishna Road
Post Box No.713, Salem - 636 007
 3. The Administrator
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002
- ... Respondents

Prayer in WPs.12615, 12616 & 12620 of 2016 : Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and Dearness Allowance and other retiral benefits payable to the petitioners with reasonable rate of interest within the time frame that may be stipulated by this Court.

Prayer in WPs.12617 to 12619 of 2016 : Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to settle payment of Gratuity, Medical Leave, Earned Leave, Commutation of Pension, Employees retirement Benefit Scheme (ERBS) and Dearness Allowance and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honble Court.

Prayer in WP.12621 of 2016 : Writ Petitions filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents to settle payment of Gratuity, Commutation of Pension, Employees retirement Benefit Scheme (ERBS) and Dearness Allowance and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honble Court.

For petitioners : Mr. N. Thiyagarajan, SC for
Mr. N. Sudhagar Nagaraj

For respondents : Mr. N. Desinghu

C O M M O N O R D E R

The petitioners, who were working with the second respondent as Conductors and Drivers at Salem Division, were permitted to retire from their service in the pay-scale of Selection Grade. Their common grievance is that they have not been disbursed of with their retiral benefits.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents.

3. The learned counsel for the petitioners submitted that in W.A.(MD)Nos.383 to 457 of 2015 dated 12-06-2015, the Honourable Division Bench of this Court has disposed of the writ appeals and directed the respondents to pay the retiral benefits through twelve equal monthly instalments carrying interest at 6% per annum recording the submissions made by the learned Additional Advocate General and also placing reliance upon the judgment of the Honourable Supreme Court in D.D. Tewari (D) Thr. Lrs Vs. Uttar Haryana Bijli Vitran Nigam Ltd., & Ors. (2014 (9) SCALE - 78). The learned counsel would therefore, submit that the same benefit could be given to the petitioners in the present writ petitions.

4. Mr. N. Desinghu, learned counsel appearing for the respondents takes notice for the respondents.

5. Considering the fact that the petitioners are retired from service and has made several representations, which were only in vain, this Court directs the respondents to consider the representations made by the petitioners and settle the retiral benefits in the light of the order passed by the Honourable Division Bench of this Court by commencing the first instalment from 1st May 2016 and completing the same within a period of twelve months.

6. Accordingly, these writ petitions is ordered as prayed for. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

glp

To

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+7cc's to Mr.N.Sudhagar Nagaraj, Advocate, S.R.Nos.21171 to 21177

W.P.Nos.12615 to 12621 of 2016

BVR(CO)
CA(22/04/2016)