

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 13642 to 13644 of 2016

D. Rajendran	.. Petitioner in W.P.13642/2016
P. Mohan	.. Petitioner in W.P.13643/2016
K. Selvaraju	.. Petitioner in W.P.13644/2016

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.
No.12, Ramakrishna Road
Salem. ... 1st Respondent in all WPs
2. The Administrator
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Employees Post Retirement
Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002. ... 2nd Respondent in W.P.13643
and 13644 of 2016

Prayer in Writ Petition No. 13642 of 2016:- This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to disburse the surrender leave salary i.e. Earn Leave balance credited as on 20.10.2012, the salary to be paid for medical leave balance credited as on 01.09.2013. Earned leave already surrendered but amount yet to be paid for 45 days, Pension under the Employees Retirement Benefits Scheme and Contribution towards IRT Medical College, Engineering and Polytechnic Colleges with interest at 12% per annum with effect from 20.10.2012 within the time stipulated by this Court and pass further orders.

Prayer in Writ Petition No. 13643 of 2016:- This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to settle terminal benefits viz. the Commutation, Pension under the Employees Retirement Benefits Scheme, Surrender Leave salary i.e. Earn Leave balance credited as on 09.05.2014, voluntary

retirement scheme compensation amount, salary for the surrendered leave of 45 days, salary for medical leave credited as on 01.09.1998. Contribution towards Institute of Road Transport, Medical, Engineering and Polytechnic Colleges to the petitioner with interest at 12% per annum with effect from 09.05.2014 within the time stipulated by this Court and pass further orders.

Prayer in Writ Petition No. 13644 of 2016:- This Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to settle terminal benefits viz. the Commutation, Pension under the Employees Retirement Benefits Scheme, Surrender Leave salary i.e. Earn Leave balance credited as on 28.02.2014, voluntary retirement scheme compensation amount, salary for the surrendered leave of 30 days (2x15=30), salary for medical leave credited as on 01.09.1998 to the petitioner with interest at 12% per annum with effect from 28.02.2014 within the time stipulated by this Court and pass further orders.

For Petitioners : Mr.A Selvaraju
in all W.Ps.

For Respondents : Mr.Paramasivadoss
in all W.Ps.

COMMON ORDER

The petitioners joined the services of the Transport Corporation and they retired from service under VRS, long before. The grievance of the petitioners is that though, they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

2. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. Mr. Paramasivadosh, learned Counsel representing the respondents, who would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records 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)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (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 instalments should be paid on or before 7th of each month."

He further contended that in view of the above cited judgment, they are gradually releasing the payments.

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the Transport Corporation are directed to pay the leave salary amount within three months from the date of receipt of a copy of this order and disburse the aforementioned retiral benefits to the petitioners in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.10.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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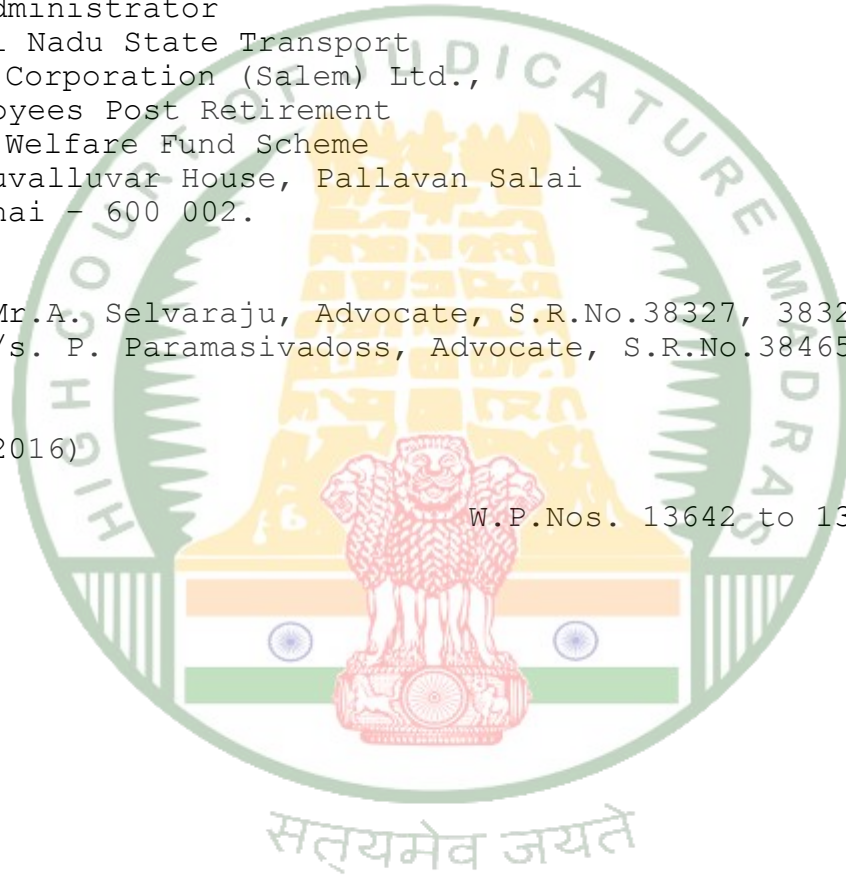
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Thiruvalluvar House, Pallavan Salai
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+3ccs to Mr.A. Selvaraju, Advocate, S.R.No.38327, 38328 and 38329
+1cc to M/s. P. Paramasivados, Advocate, S.R.No.38465

SCD(CO)
EU(04/08/2016)

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