

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:- 13.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.13737 and 13738 of 2016

M.Shanmugam
D.Dhamodaran

...Petitioner in W.P.13737/16
...Petitioner in W.P.13738/16

Versus

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem.

2.The Administrator,
Tamil Nadu State Transport Corporation (Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House,
Pallavan Salai, Chennai 600 002.

...Respondents

Prayer in W.P.13737/16: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 08.03.2014 thereby directing him to disburse the terminal benefits of the petitioner namely, gratuity, commutation, ERBS (Employees Retirement Benefit Scheme), Pension arrears, surrender leave salary i.e. earn leave salary D.A. (dearness allowance) arrears and pension DA (dearness allowance) arrears with 18% interest per annum with effect from 30.06.2013 in accordance with law within a time frame fixed by this court.

Prayer in W.P.13738/16: Writ petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to consider and dispose of the petitioner's representation dated 23.05.2014 thereby directing him to disburse the terminal benefits of the petitioner namely, gratuity, commutation, ERBS (Employees Retirement Benefit Scheme), Pension arrears, surrender leave salary i.e. earn leave salary D.A. (dearness allowance) arrears and pension DA (dearness allowance) arrears with 18% interest per annum with effect from 31.08.2013 in accordance with law within a time frame fixed by this court.

For Petitioner :: Mr.J.Franklin
in both W.Ps.
For Respondents :: Mr.P.Kannan Kumar
in both W.Ps.

C O M M O N O R D E R

These writ petitions are filed praying for issuance of a writ of mandamus directing the first respondent to consider and dispose of the petitioners' representation dated 08.03.2014 and 23.05.2014 respectively, thereby directing him to disburse the terminal benefits of the petitioner namely, gratuity, commutation, ERBS (Employees Retirement Benefit Scheme), Pension arrears, surrender leave salary i.e. earn leave salary D.A. (dearness allowance) arrears and pension DA (dearness allowance) arrears with 18% interest per annum with effect from 30.06.2013 and 31.08.2013 respectively in accordance with law within a time frame fixed by this court.

2.Heard the learned counsel for the petitioner. Mr.P.Kannan Kumar, learned counsel takes notice for the respondents.

3.The petitioner in W.P.No.13737 of 2016 joined as Conductor on 01.04.1982 in Tamilnadu State Transport Corporation Salem Ltd., and he was promoted as Senior Grade Ticket Checking Inspector. He retired on 30.06.2013 on attainment of superannuation. Now, the grievance of the petitioner is that except a sum of Rs.2,58,591/- towards provident fund and a sum of Rs.2,48,619 towards pension, the above said retirement terminal benefits have not been settled till date by the respondents to him. Further, he has given a representation dated 08.03.2014 to the first respondent but the same has not been considered by them.

4.The petitioner in W.P.No.13738 of 2016 joined as Conductor on 30.07.1992 in Tamilnadu State Transport Corporation Salem Ltd. He retired from service as Selection Grade Conductor on 31.08.2013 on attainment of superannuation. Now, the grievance of the petitioner is that except a sum of Rs.2,62,224/- towards provident fund and a sum of Rs.1,43,747/- towards pension, the above said retirement terminal benefits have not been settled till date by the respondents to him. Further, he has given a representation dated 08.03.2014 followed by a further representation dated 23.05.2014 to the first respondent but the same has not been considered by them.

5.Since the issue is squarely covered by the various orders passed by this court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited, represented by its Managing

Director, Madurai and others), these writ petitions are disposed of, with a direction to the respondents to settle the entire retirement benefits due and payable to the petitioners through twelve equal monthly installments carrying interest of 6% p.a. The installments should commence from May 2016 and each of the installments should be paid on or before 7th of each month. In case of any delay in the payment of the installments, the interest payable would become 18%p.a. for the delayed period apart from any other remedy which may be available to the petitioners for such non-payment of the installments. No costs.
vri

s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem.
- 2.The Administrator,
Tamil Nadu State Transport Corporation (Salem) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallur House,
Pallavan Salai, Chennai 600 002.

+ 2 ccs to Mr.J.Franklin, Advocate SR 23294, 23295

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सत्यमेव जयते

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