

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.18592 to 18594 of 2016

S.R.Radhakrishnan .. Petitioner in W.P.No.18592/2016
M.Arumugam .. Petitioner in W.P.No.18593/2016
N.Chandrasekaran .. Petitioner in W.P.No.18594/2016

Vs.

- 1 Tamil Nadu State Transport Corporation (Cbe) Ltd.
37, Mettupalayam Road
Coimbatore-641 043 Rep.by its Managing Director.
- 2 The General Manager
Tamil Nadu State Transport Corporation (Cbe) Ltd.,
37, Mettupalayam Road
Coimbatore-641 043.
- 3 The Administrator
The Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai
Chennai-600 002. .. Respondents in all W.Ps.

Prayer in all Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to pay the petitioners all their retirement benefits including Gratuity and Leave Salary and all other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honble Court and to grant them the interest at the rate of 18% per annum for the belated settlement of them eligible benefits from the date of retirement to till the date of settlement by the respondents within the time that may be stipulated by this Honble Court.

For Petitioners : Mr.A.Rajendiran
in all petitions

For Respondents : Mr.S.Sairaman
in all petitions Standing Counsel
for Transport Corporation

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners in W.P.Nos.18592 and 18593 of 2016 joined the services of the 1st respondent Corporation as Junior Tradesman and the petitioner in W.P.No.18594 of 2016 joined the services of the 1st respondent Corporation as Steno Typist, w.e.f. 25.08.1979, 19.04.1982 and 28.12.1977 retrospectively. At the time of retirement, the petitioners in W.P.Nos.18592 and 18593 of 2016 were working as Senior Tradesman and the petitioner in W.P.No.18594 of 2016 was working as Assistant Manager. According to the petitioners, though, they were retired from service on 30.06.2013, 30.06.2013 and 30.09.2012 respectively, till date, they were not paid with any other retirement benefits, such as Gratuity and Leave Salary. Therefore, they submitted representations before the respondents on 25.05.2016 to pay the petitioners all their retirement benefits with interest at the rate of 18% per annum and to grant them interest at the rate of 18% per annum for the belated settlement of their eligible benefits from the date of retirement to till the date of settlement, within a specified time as may be fixed by this Court. However, till date, the same has not been considered. Hence, the present Writ Petitions.

3. Mr.A.Rajendiran, 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, 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.S.Sairaman, the learned Standing Counsel, who took notice on behalf of the respondents/Transport Corporation, 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."

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 respondents are directed to 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 01.07.2016.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Managing Director,
Tamil Nadu State Transport Corporation (Cbe) Ltd.
37, Mettupalayam Road
Coimbatore-641 043
- 2 The General Manager
Tamil Nadu State Transport Corporation (Cbe) Ltd.,
37, Mettupalayam Road
Coimbatore-641 043.

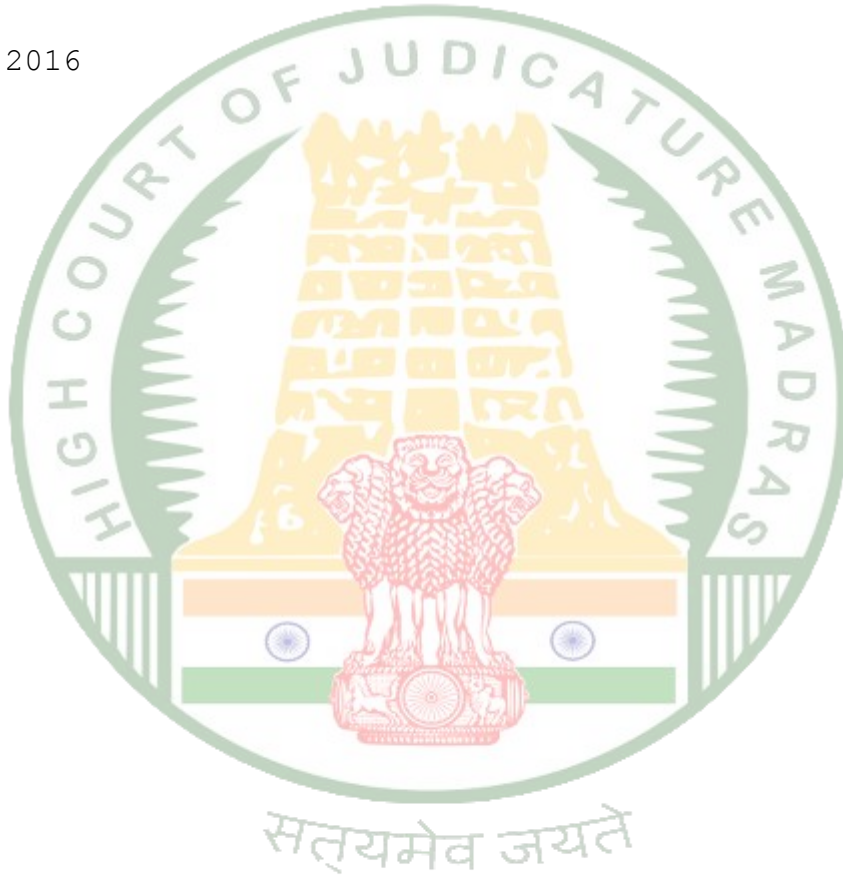
3 The Administrator
The Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

2 ccs to Mr.A.Rajendiran, Advocate, sr.29315, 29314

3 ccs to Mr.S.Sairaman, Advocate, sr.29608, 29609, 29603

W.P.Nos.18592 to 18594 of 2016

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