

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.18596 and 18597 of 2016

G.Vilasini .. Petitioner in W.P.No.18596/2016

P.Therasa Getrude .. Petitioner in W.P.No.18597/2016

Vs.

1. Tamil Nadu State Transport Corporation (Villupuram) Limited
rep. by the Managing Director
3/137, Salamedu
Veludha Reddy Post
Villupuram-605 602.
 2. Tamil Nadu State Transport Corporation (Villupuram) Limited
rep. by the General Manager
Kancheepuram Region
Kancheepuram-631 552.
 3. Tamil Nadu State Transport Corporation (Villupuram) Limited
Employees Post Retirement Welfare Fund Scheme
rep. by the Administrator
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
- .. Respondents in both WPs

Prayer in both Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to settle the retirement benefits payable to the petitioners including Service Gratuity, Commutation Amount, Leave Salary, Dearness Allowance Arrears, Revised Pension with arrears and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Court by considering and passing orders on the representations of the petitioners, dated 03.05.2016.

For Petitioners : Mr.K.Selvaraj
in both petitions

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

COMMON ORDER

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

2. The petitioners joined the services in the "Pattukottai Alagiri Transport Corporation Limited", on 02.01.1985 and 05.10.1987. At the time of retirement, they were working as Superintendent. They got retired from service on 30.04.2015, but, till date, they were not paid with any other retirement benefits, such as Service Gratuity, Commutation Amount, Leave Salary, Dearness Allowance Arrears, Revised Pension with arrears and all other attendant retirement benefits. Therefore, the petitioners submitted representations before the respondents, on 03.05.2016, to pay the retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement, 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.K.Selvaraj, 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 1 and 2 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-III)

//True Copy//

Sub Assistant Registrar

paa

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Limited
3/137, Salamedu
Veludha Reddy Post
Villupuram-605 602.

2. The General Manager

Tamil Nadu State Transport Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram-631 552.

3. The Administrator

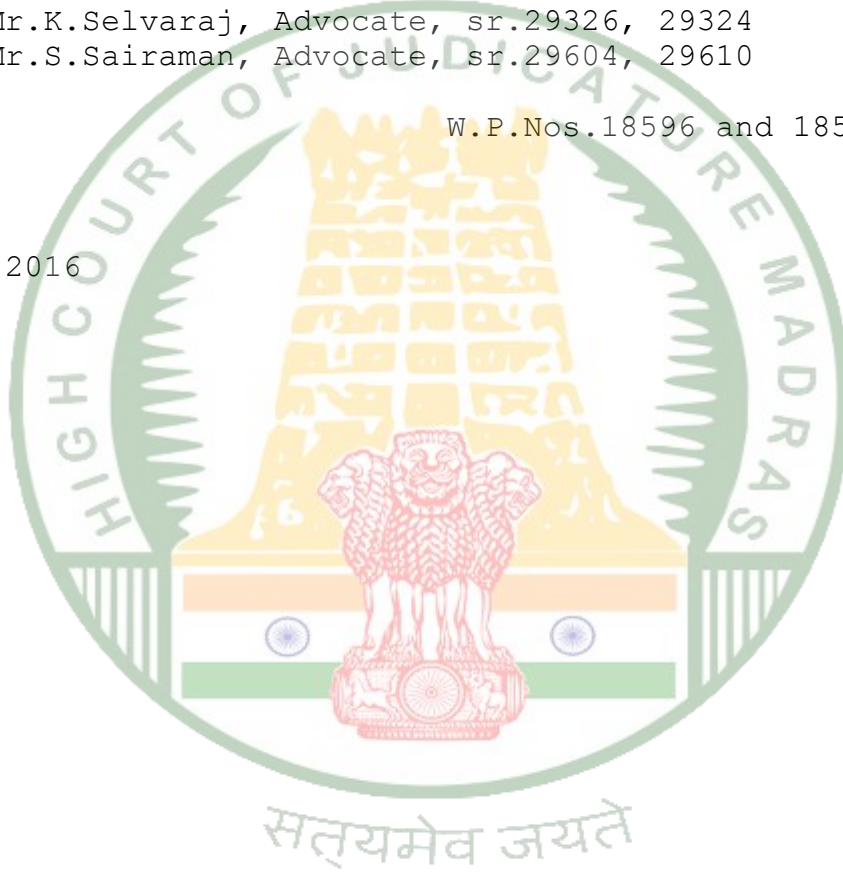
Tamil Nadu State Transport Corporation (Villupuram) Limited
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

2 ccs to Mr.K.Selvaraj, Advocate, sr.29326, 29324

2 ccs to Mr.S.Sairaman, Advocate, sr.29604, 29610

W.P.Nos.18596 and 18597 of 2016

gj ii co
kra 22.06.2016



WEB COPY