

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.18730 to 18734 of 2016

K.Thamaraiselvan	.. Petitioner in W.P.No.18730/2016
V.Devaraj	.. Petitioner in W.P.No.18731/2016
C.Kamaraj	.. Petitioner in W.P.No.18732/2016
P.Ponnusamy	.. Petitioner in W.P.No.18733/2016
S.Sekar	.. Petitioner in W.P.No.18734/2016

Vs.

Tamil Nadu State Transport Corporation
Salem Division
Rep.by its Managing Director
Salem
Salem District

.. Respondent in all W.Ps.

Prayer in Writ Petition No.18730/2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears as per revised scale of pay, Commutation, Labour Welfare Fund and IRD Share in accordance with his revised pay scale as per the settlement with interest till the date of final payment in lieu of his retirement dated 31.5.2014 as Senior Technician (TR 0962) from the Office of the respondent Erumapalayam Branch II to Salem District.

Prayer in Writ Petition No.18731/2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears as per revised scale of pay, Commutation, Labour Welfare Fund and IRD Share in accordance with his revised pay scale as per the settlement with interest till the date of final payment in lieu of his retirement dated 30.6.2014 as Senior Technician (TR 0412) from the Office of the respondent Erumapalayam Branch II to Salem District.

Prayer in Writ Petition No.18732/2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears as per revised scale of pay, Commutation, Labour Welfare Fund and IRD Share in accordance with his revised pay scale as per the settlement with interest till the date of final payment in lieu of his retirement dated 31.5.2014 as Senior Technician (TR 0762) from the Office of the respondent Erumapalayam Branch II to Salem District.

Prayer in Writ Petition No.18733/2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears as per revised scale of pay, Commutation, Labour Welfare Fund and IRD Share in accordance with his revised pay scale as per the settlement with interest till the date of final payment in lieu of his retirement dated 30.9.2015 as Senior Technician (TR 1442) from the Office of the respondent Erumapalayam Branch II to Salem District.

Prayer in Writ Petition No.18734/2016: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears as per revised scale of pay, Commutation, Labour Welfare Fund and IRD Share in accordance with his revised pay scale as per the settlement with interest till the date of final payment in lieu of his retirement dated 31.7.2015 as Senior Technician (TR 1461) from the Office of the respondent Erumapalayam Branch II to Salem District.

For Petitioners : M/s.Sai Bharath and Ilan
in all petitions

For Respondent : 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 admission stage itself.

2. The petitioners, who joined the services as Technician in the respondent Transport Corporation, retired from service between 2014 and 2015. At the time of retirement, they were

working as Senior Technician. According to the petitioners, though, they retired from service between 2014 and 2015, till date, they were not paid with any other retirement benefits, such as, Gratuity, Earned Leave, Surrender of Medical Leave Encashment, Salary Arrears, Commutation, Labour Welfare Fund and IRD Share in accordance with the revised pay scale as per the settlement with interest till the date of final payment. In this regard, the petitioners submitted individual representations. However, till date, the same have not been considered. Hence, the present Writ Petitions.

3. 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 respondent 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 respondent 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 respondent Transport Corporation is 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.

-s/d-
Assistant Registrar(CSV)

True Copy

Sub-Assistant Registrar

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To

The Managing Director
Tamil Nadu State Transport Corporation
Salem Division
Salem District.

+5 ccs to M/s.Sai Bharath & Ilan Advocate sr.29684

W.P.Nos.18730 to 18734 of 2016

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