

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.18778 and 18779 of 2016

W.P.No. 18778 of 2016:-

P.Chandran

.. Petitioner

vs

1. Tamil Nadu State Transport Corporation (Coimbatore) Limited
rep. by its Managing Director
37, Mettupalayam Road
Coimbatore-43.

2. The General Manager
Tamilnadu State Transport Corporation
(Coimbatore) Limited
Erode Region, Chennimalai Road
Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the petitioner forthwith a sum of Rs.4,04,455/- towards gratuity with 10% simple interest from the date of retirement to the date of actual payment, arrears of second review benefits from August, 2001 to 31.08.2005, 45 days earned leave salary surrendered in August, 2012 and 25 days of earned leave salary and 8 days of medical leave stood to his credit before 1998 and both stood to his leave credit as on the date of the petitioner's retirement with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court.

W.P.No. 18779 of 2016:-

P.Nagarajan

.. Petitioner

vs

1. Tamil Nadu State Transport Corporation (Coimbatore) Limited
rep. by its Managing Director
37, Mettupalayam Road
Coimbatore-43.

2. The General Manager
Tamilnadu State Transport Corporation
(Coimbatore) Limited
Erode Region
Chennimalai Road
Erode.
3. The Tamilnadu State Transport Corporations
Employees Pension Fund Trust
rep. by its Administrator
Pallavan Salai
Chennai-600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to pay the petitioner forthwith the arrears of difference in wages for the period from 01.09.2013 to 31.05.2013 as per the new wage settlement, the gratuity amount, the balance commuted value of pension as per the salary payable to him as on the date of retirement based on the new wage settlement and also to revise all the terminal benefits, such as, Provident Fund, Pension, Commuted Value of Pension, etc., as per the salary payable to him as on the date of his retirement based on the new wage settlement, together with arrears and other consequential benefits and together with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court.

For Petitioners : Mr.R.Krishnaswamy
in both petitions

For Respondents : Mr.S.Sairaman
in both 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 petitioner in W.P.No.18778 of 2016, who joined the services as Driver in the Tamil Nadu State Transport Corporation (Coimbatore) Limited, on 09.08.1986, retired from service, on 28.02.2013. At the time of retirement, he was working as a Special Grade Driver. According to the petitioner, though he was retired from service on 28.02.2013, till date he was not paid with any other retirement benefits, such as Gratuity. Therefore, he submitted a representation before the

respondents, on 27.04.2016, to pay a sum of Rs.4,04,455/- towards gratuity with 10% simple interest from the date of retirement to the date of actual payment, arrears of second review benefits from August 2001 to 31.08.2005, 45 days earned leave salary surrendered in August, 2012 and 25 days of earned leave salary and 8 days of medical leave stood to the credit of the petitioner before 1998 and both stood to his leave credit as on the date of retirement with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court. However, till date, the same has not been considered. Hence, this Writ Petition.

3. The petitioner in W.P.No.18779 of 2016, who joined the services as Driver in the Tamil Nadu State Transport Corporation (Coimbatore) Limited, on 01.07.1980, retired from service on 31.05.2014. At the time of retirement, he was working as a Special Grade Driver. According to the petitioner, though he was retired from service on 31.05.2014, till date he was not paid with any other retirement benefits, such as Gratuity as per the new wage settlement and the balance commuted value of pension. Therefore, he submitted a representation before the respondents on 26.05.2016 to pay the petitioner forthwith the arrears of difference in wages for the period from 01.09.2013 to 31.05.2013 as per the new wage settlement, the gratuity amount, the balance commuted value of pension as per the salary payable him as on the date of retirement based on the new wage settlement and also to revise all the terminal benefits such as Provident Fund, Pension, Commuted Value of Pension, etc., as per the salary payable to him as on the date of his retirement based on the new wage settlement, together with arrears and other consequential benefits and together with interest at the rate of 12% per annum, within a specified time as may be fixed by this Court. However, till date, the same has not been considered. Hence, this Writ Petition.

4. Mr.R.Krishnaswamy, the learned counsel appearing for the petitioner 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 petitioner 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.

5. 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."

6. 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.

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

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Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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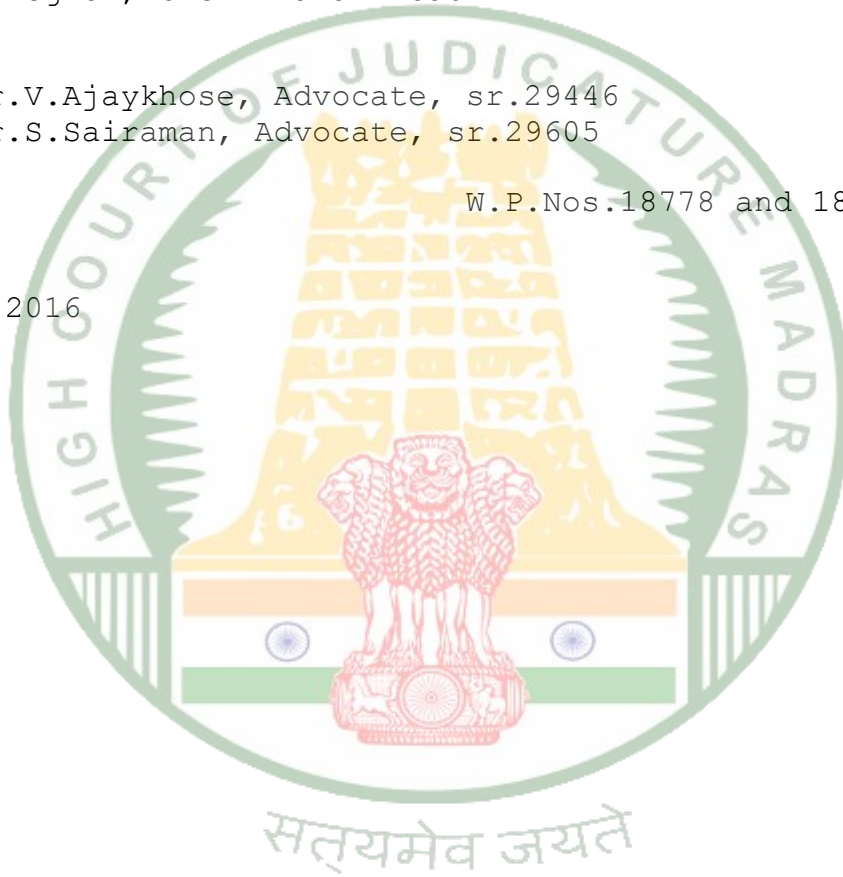
1.Managing Director, Tamil Nadu State Transport
Corporation (Coimbatore) Limited
37, Mettupalayam Road
Coimbatore-43.

2. The General Manager
Tamilnadu State Transport Corporation
(Coimbatore) Limited
Erode Region, Chennimalai Road
Erode.

1 cc to Mr.V.Ajaykhose, Advocate, sr.29446
1 cc to Mr.S.Sairaman, Advocate, sr.29605

W.P.Nos.18778 and 18779 of 2016

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