

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.19402, 19404, 19427 and 19466 of 2016

M.Santhanam	... Petitioner in W.P.No.19402/2016
R.Murugan	... Petitioner in W.P.No.19404/2016
V.Jayachandran	... Petitioner in W.P.No.19427/2016
A.Vijayan	... Petitioner in W.P.No.19466/2016

Vs.

1. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Vazhuthareddy
Villupuram-605 602.
2. The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Region
Kancheepuram.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002. ... Respondents in all W.Ps.

Prayer in Writ Petition Nos.19402 and 19404 of 2016 :- 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 petitioners' retirement benefits, including Leave Salary, Gratuity, Commutation etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, to direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioners payable from the date of retirement till the date i.e. 31.07.2015 of actual payment to the petitioners within the time that may be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

Prayer in Writ Petition No.19427 of 2016 :- 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 petitioner's retirement benefits, including Leave Salary, Gratuity, Commutation, Settlement Arrears and D.A. Arrears etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, to direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement till the date of actual payment to the petitioner within the time that may be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

Prayer in Writ Petition No.19466 of 2016 :- 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 petitioner's retirement benefits, including Leave Salary, Gratuity, Commutation and Settlement Arrears, with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, to direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement till the date of actual payment to the petitioner within the time that may be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.T.Pappaiah Dharmarajan
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 joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though, they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted

representations before the respondents, on 06.06.2016, 26.05.2016, 06.06.2016 and 25.05.2016 respectively. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. Mr.T.Pappaiah Dharmarajan, 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 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 01.08.2016.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.
Vazhuthareddy
Villupuram-605 602.
2. The General Manager
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Region
Kancheepuram.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

+3cc's to Mr.T.Pappaiah Dharmarajan, Advocate,
S.R.Nos.30860 to 30862
1cc to Mr.T.Pappaiah Dharmarajan, Advocate,
S.R.Nos.30863[23/6/16]
+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.31360
+1cc to Mr.S.Sairaman, Advocate, S.R.No.31465

W.P.Nos.19402, 19404, 19427
and 19466 of 2016

SNS (CO)
CA(22/06/2016)