

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.19434 to 19437 of 2016

A.Chidambaram	.. Petitioner in W.P.No.19434/2016
G.Lakshmanan	.. Petitioner in W.P.No.19435/2016
R.Santhanam	.. Petitioner in W.P.No.19436/2016
R.Udayakumar	.. Petitioner in W.P.No.19437/2016

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.
Rep. by its General Manager
Erode Region
Erode.

... 1st Respondent in W.P.Nos.19434
to 19436 of 2016

The Management of
State Express Transport Corporation (Tamilnadu) Limited
Rep. by its Managing Director
Pallavan Salai
Chennai-2.

... 1st Respondent in W.P.No.
19437 of 2016

The Administrator
Tamil Nadu State Transport
Employees' Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2.

... 2nd Respondent in all W.Ps.

Prayer in Writ Petition No.19434 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.7,88,400/- towards Gratuity, Rs.6,02,399/- towards Leave Salary and arrears of salary for the period from 01.09.2013 to 31.05.2014 payable pursuant to New Wage Settlement, dated 13.04.2015, together with 18% interest per annum and further to direct the 1st respondent to pay him Rs.3,17,730/- towards the Pension Commutation amount and arrears of pension for the period from 01.06.2014 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages

payable to him on the month of his retirement i.e., May, 2014, by revising the same as per the Settlement, dated 13.04.2015, as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A.(MD) No.1457 of 2015 etc batch.

Prayer in Writ Petition No.19435 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to pay the petitioner Rs.3,70,150/- towards Leave Salary, Rs.50,000/- towards Social Security Scheme and arrears of salary for the period from 01.09.2013 to 31.10.2014 payable pursuant to New Wage Settlement, dated 13.04.2015, together with 18% interest per annum and further to direct the respondents to pay him Rs.3,24,058/- towards the Pension Commutation amount and arrears of pension for the period from 01.11.2014 by revising his pension, together with 18% interest per annum, after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e., October, 2014, by revising the same as per the Settlement, dated 13.04.2015, as ordered by the Division Bench of this Court in its order dated 29.01.2016 in W.A.(MD) No.1457 of 2015 etc batch.

Prayer in Writ Petition No.19436 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to pay the petitioner a sum of Rs.1,61,504/- towards Leave Salary, Rs.50,000/- towards Social Security Scheme and arrears of salary for the period from 01.09.2013 to 31.03.2015 payable pursuant to New Wage Settlement, dated 13.04.2015, together with 18% interest per annum and further to direct the respondents to pay him Rs.3,47,765/- towards the Pension Commutation amount, together with 18% interest per annum, within a time frame as may be fixed by this Hon'ble Court.

Prayer in Writ Petition No.19437 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the 1st respondent to pay the petitioner a sum of Rs.1,92,351/- towards E.P.F, Rs.1,49,740/- towards Leave Salary and Rs.29,729/- towards Social Security Scheme, together with 18% interest per annum, along with interest amount for the periods of delay namely from 01.06.2015 to 25.04.2016, 01.06.2015 to 25.05.2016, and 01.06.2015 to 19.10.2016 in paying the parts of the gratuity amount respectively Rs.2,00,000/-, Rs.1,50,000/- and Rs.6,20,301/- and further to direct the respondents to pay him Rs.3,77,200/- towards the Pension Commutation amount together with 18% interest per annum and within a time frame as may be fixed by this Hon'ble Court.

For Petitioners : Mr.R.Krishnaswamy
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 04.05.2016, 20.05.2016, 20.05.2016 and 30.05.2016 respectively. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. Mr.R.Krishnaswamy, 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, 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 1st respondent 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 01.08.2016.

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

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

1. The General Manager
The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.
Erode Region
Erode.

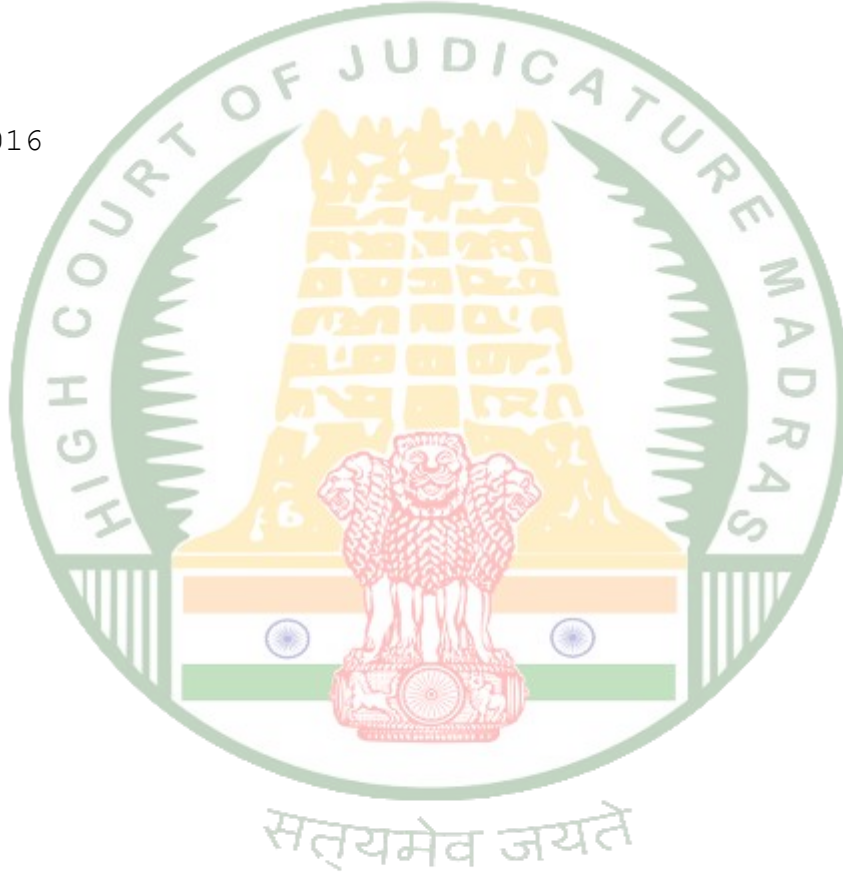
2. The Managing Director
The Management of
State Express Transport Corporation (Tamilnadu) Limited
Pallavan Salai
Chennai-2.

3.The Administrator
Tamil Nadu State Transport
Employees' Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2.

+1 cc to Mr.V.Ajoy Khose Advocate sr.30859

W.P.Nos.19434 to 19437 of 2016

pvs(co)
aa27/06/2016



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