

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.19694 and 19695 of 2016

P.Nagarajan

.. Petitioner in W.P.No.19694/2016

H.Almuhthar

.. Petitioner in W.P.No.19695/2016

vs

1. The Government of Tamil Nadu
rep.by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai 600 009. .. 1st respondent in both W.Ps.
2. The Managing Director
Tamil Nadu State Transport Corporation
(CBE) Ltd., Head Office
No.37, Mettupalayam Road
Coimbatore 641 043.
3. The Financial Advisor
and Chief Accounts Officer
Tamil Nadu State Transport Corporation
(CBE) Ltd., Head Office
No.37, Mettupalayam Road
Coimbatore 641 043. .. Respondents 2 and 3 in W.P.
No.19694/2016

State Express Transport Corporation
Ltd., rep.by its Managing Director
Pallavan Salai, Chennai 600 002.

The Financial Advisor
and Chief Accounts Officer
State Express Transport Corporation Ltd.
Pallavan Salai, Chennai 600 002.

WEB COPY

The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai 600 002.

.. Respondents 2 to 4 in
W.P.No.19695/2016

Writ petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to (i) direct the respondents to settle the petitioner's retirement dues such as encashment of leave salary [EL] and leave on private affairs with 18% interest on delayed payment to the petitioner from 31.01.2011 the date of retirement to till the date of settlement of retirement dues to the petitioner [W.P.No.19694 of 2016]; (ii) direct the respondents 2 to 4 to settle the petitioner's retirement benefits such as Provident Fund, Commutation of Pension, leave on encashment (EL) amount and leave on private affairs, difference in encashment of leave salary, Social Security Scheme, difference in gratuity, reimbursement of medical college and engineering college amount and other attendant benefits after duly taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 28.02.2015 to the date of retirement to till the date of settlement of the terminal benefits to the petitioner [W.P.No.19695 of 2016] respectively by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan
in both W.Ps.

For Respondent : Mr.K.Rajendra Prasad
in both W.Ps. Government Advocate for R1

Mr.S.Sairaman
Standing Counsel for Transport
Corporation R2 &R3

COMMON ORDER

The petitioner in W.P.No.19694 of 2016, who joined the services as Assistant Manager [Accounts] in the erstwhile Cheran Transport Corporation Ltd., Coimbatore retired as a Manager by serving as Financial Advisor and Chief Accounts Officer in Tamil Nadu State Transport Corporation (Madurai) Ltd., Madurai on 31.01.2011.

2. The petitioner in W.P.No.19695 of 2016 was appointed as Junior Manager (Accounts) in the erstwhile Thiruvalluvar

Transport Corporation Ltd., (Express) and retired from service on 28.02.2015 as Assistant Manager (Accounts).

3. The grievance of the petitioners in both these writ petitions is that even though they have retired from the services of the respondent Corporation as early as 31.01.2011 and 28.02.2015 respectively, till date their terminal benefits have not been settled. In this regard, they have also submitted representations to the respondents. Since there was no response, they are before this Court by way of these writ petitions.

3. When the matter is taken up today for hearing, 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 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. Heard the learned counsel for the petitioners; Mr.K.Rajendra Prasad, learned Government Advocate appearing on behalf of R1 and Mr.S.Sairaman, learned Standing Counsel for the respondent -Transport corporation, who took notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the respective respondent-Corporations are directed to disburse the terminal benefits to each of 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.08.2016.

6. With the above direction, both these writ petitions are disposed of. No costs.

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

vj

To

1. The Principal Secretary
to Government of Tamil Nadu
Transport Department
Secretariat, Fort St.George
Chennai 600 009.
 2. The Managing Director
Tamil Nadu State Transport Corporation
(CBE) Ltd., Head Office
No.37, Mettupalayam Road
Coimbatore 641 043.
 3. The Financial Advisor
and Chief Accounts Officer
Tamil Nadu State Transport Corporation
(CBE) Ltd., Head Office
No.37, Mettupalayam Road
Coimbatore 641 043.
 4. The Managing Director
State Express Transport Corporation
Pallavan Salai, Chennai 600 002.
 5. The Financial Advisor
and Chief Accounts Officer
State Express Transport Corporation Ltd.
Pallavan Salai, Chennai 600 002.
 6. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House, Pallavan Salai, Chennai 600 002.
- +1 cc to the Government Pleader sr.31590
+2 ccs to Mr.V.S.Jagadeesan Advocate sr.31221

WEB COPY

W.P.Nos.19694 and 19695 of 2016

pa(co)
aa17/06/2016