

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.21907 to 21911 of 2016

S.Mohamed Ali	.. Petitioner in W.P.No.21907 of 2016
S.Appavoo	.. Petitioner in W.P.No.21908 of 2016
C.Sampath	.. Petitioner in W.P.No.21909 of 2016
K.Yukthinathan	.. Petitioner in W.P.No.21910 of 2016
R.Ilansezhiyan	.. Petitioner in W.P.No.21911 of 2016

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007. .. Respondent in all W.Ps.

Prayer in W.P.No.21907 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 30.04.2015, i.e. the date of retirement.

Prayer in W.P.No.21908 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 30.04.2014, i.e. the date of retirement.

Prayer in W.P.No.21909 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 31.07.2013, i.e. the date of retirement.

Prayer in W.P.No.21910 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 30.09.2015, i.e. the date of retirement.

Prayer in W.P.No.21911 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 31.01.2016, i.e. the date of retirement.

For Petitioner : Mr.T.Jeevanantham
in all W.Ps.

For Respondent : Mr.P.Kannan Kumar
in all W.Ps. 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 respondent on 13.06.2016. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

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 Transport 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. The learned Standing Counsel, who took notice on behalf of the respondent, 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 is directed to disburse the aforementioned retiral benefits to the petitioners herein 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 01.09.2016.

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

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

+ 1 cc to Mr.T.Jeevanantham, Advocate Sr 36083

KR/26/7/16

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