

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.22961, 22962 and 22999 of 2016

W.P.Nos.22961 & 22962 of 2016:-

N.Selvanathan .. Petitioner in W.P.No.22961/2016

Y.Vardharaju .. Petitioner in W.P.No.22962/2016

Vs.

1.The Managing Director
Tamilnadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu
Vazhuthareddy P.O.
Villupuram-605 602.

2.The General Manager
Tamilnadu State Transport Corporation (VPM) Ltd.
Karapettai
Kancheepuram-631 501.

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

.. Respondents in both WPs.

W.P.No.22999 of 2016:-

K.Venkatesan

.. Petitioner

Vs.

1.The Managing Director
Tamilnadu State Transport Corporation (Villupuram) Ltd.
Villupuram-605 602.

2.The General Manager
Tamilnadu 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

Prayer in Writ Petition No.22961 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle petitioner's retirement benefits including Gratuity, Encashment of Leave Salary, D.A. arrears, should be calculated on the basis of the Pay Settlement of the year 2013 of the Transport Corporation Employees with interest at the rate of not less than 12% per annum from the date of petitioner's retirement i.e., 31.10.2013 till the date of settlement, within such time as may be stipulated by this Court.

Prayer in Writ Petition No.22962 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle petitioner's retirement benefits including Gratuity, Commutation, Encashment of Leave Salary, R.B.S. Pension and arrears with interest at the rate of not less than 12% per annum from the date of petitioner's retirement i.e., 31.07.2015 till the date of settlement, within such time as may be stipulated by this Court.

Prayer in Writ Petition No.22999 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Surrender (Earned Leave & Old Medical Leave), Settlement Effect Arrears Amount, by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of Dearness Allowances also, with interest at 12% per annum with effect from 01.10.2015 within the stipulated time as may be fixed by this Court.

For Petitioners : Mr.R.Munuswamy
in W.P.Nos.22961 & 22962/2016

For Petitioner : Mr.J.Pradeep
in W.P.No.22999/2016

For Respondents : Mr.P.Paramasivadosh
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 various dates. 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 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.P.Paramasivadosh, 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 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 15.09.2016.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director
Tamilnadu State Transport Corporation (VPM) Ltd.
3/137, Salamedu
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Chennai-600 002.

+1cc to Mr.R.Munusamy, Advocate, S.R.No.37906 37905

W.P.Nos.22961, 22962
and 22999 of 2016

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