

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.07.2016

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THE HON'BLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.23414 to 23416 of 2016

Mr.M.Shanmugam
N.Sellamuthu
S.Ramanathan

[Petitioner in W.P.23414/16]
[Petitioner in W.P.23415/16]
[Petitioner in W.P.23416/16]

Vs

- 1 The Government of Tamilnadu
Rep by its Principal Secretary 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

[Respondents in all WPs]

Prayer: Writ petition No.2341416 filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the Respondents to settle the petitioners retirement benefits such as the Leave Encashment (EL) amount leave Encashment (ML) amount Leave on private affairs and difference in gratuity amount and other

Writ petition No.23416/16 filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the Respondents to settle the petitioners retirement benefits such as Gratuity amount Leave Encashment (EL) amount leave Encashment (ML) amount Leave on private affairs and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.08.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

For Respondents : Mr.R.S.Selvam (R2&3)
Mr.P.Chinnadurai (R1)

COMMON ORDER

Inasmuch as the issue raised in all the writ petitions are one and the same, viz., seeking a direction to the respondent-Transport Corporation to disburse the terminal benefits of the petitioners, all the petitions are taken up together and disposed of by this common order.

2. The grievance of the petitioners is that even though they have retired from the services of the respondent- Transport Corporation two or three years ago, till date their terminal benefits have not been settled. In this regard, they have also submitted representation to the Transport Corporation. Since there was no response, they are before this Court by way of these writ petitions.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. In similar circumstances, a Division Bench of the Madurai Bench of this court in the common judgment dated 12.06.2015 in W.A.(MD) Nos.383 to 457 of 2015, the respondent-Transport Corporation undertook to pay the amount due and payable in twelve equal monthly

instalments. Based on the said Judgment, a learned Single Judge of this Court in W.P.Nos.20276 to 20279 of 2016 etc. batch of cases, granted similar relief by order dated 16.06.2016. The relevant portion of the said order of the learned Single Judge reads as follows:-

“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-Transport Corporation is directed to disburse the terminal benefits to each of 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 10.08.2016”.

5. Since there is no dispute with regard to non payment of terminal benefits to the petitioners, the respondent-Transport Corporation is directed to disburse the terminal benefits to all the petitioners herein in twelve equal monthly instalments, commencing from 01.08.2016.

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

06.07.2016

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Note: Issue order copy on 14.7.16

To

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Rep by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-600 009.
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N.KIRUBAKARAN,J

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