

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.24884 to 24888 of 2016

W.P.No.24884 of 2016

C.R.Palanisamy

.. Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
37, Mettupalayam Road,
Coimbatore - 45.
2. The General Manager,
Tamilnadu State Transport
Corporation (CBE) Ltd.
Erode Region, Chennimalai Road,
Erode - 1.

.. Respondents

Writ Petition 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 terminal benefits due payable to the petitioner as per the order of W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 31.01.2012 within the time limit to be fixed by this Court.

W.P.No.24885 of 2016

N.Palanisamy

.. Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
37, Mettupalayam Road,
Coimbatore - 45.
2. The General Manager,
Tamilnadu State Transport
Corporation (CBE) Ltd.
Erode Region, Chennimalai Road,
Erode - 1.

.. Respondents

Writ Petition 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 terminal benefits due payable to the petitioner as per the order of W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 30.06.2012 within the time limit to be fixed by this Court.

W.P.No.24886 of 2016

M.Ramasamy

.. Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
37, Mettupalayam Road,
Coimbatore - 45.
2. The General Manager,
Tamilnadu State Transport
Corporation (CBE) Ltd.
Erode Region, Chennimalai Road,
Erode - 1.
3. The Administrator,
Tamilnadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

... Respondents

Writ Petition 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 terminal benefits due payable to the petitioner as per the order of W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 30.04.2013 within the time limit to be fixed by this Court.

W.P.No.24887 of 2016

P.Arumugam

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
37, Mettupalayam Road,
Coimbatore - 45.

2. The General Manager,
Tamilnadu State Transport
Corporation (CBE) Ltd.
Erode Region, Chennimalai Road,
Erode - 1.

3. The Administrator,
Tamilnadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

.. Respondents

Writ Petition 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 terminal benefits due payable to the petitioner as per the order of W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 30.06.2013 within the time limit to be fixed by this Court.

W.P.No.24888 of 2016

M.P.Jaganathan

Vs.

.. Petitioner

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
37, Mettupalayam Road,
Coimbatore - 45.

2. The General Manager,
Tamilnadu State Transport
Corporation (CBE) Ltd.
Erode Region, Chennimalai Road,
Erode - 1.

3. The Administrator,
Tamilnadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

.. Respondents

Writ Petition 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 terminal benefits due payable to the petitioner as per the order of W.A.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 31.01.2014 within the time limit to be fixed by this Court.

For Petitioner : Mr.N.Senthil Kumar
in all W.Ps.

For Respondents : Mr.P.Kannan Kumar
in all W.Ps. Standing Counsel
for TNSTC

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. But, till date, they were not paid with the retirement benefits. The grievance of the petitioners is that in spite of repeated requests, there was no response from the respondents. Hence, the present Writ Petitions have been 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 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 Managing Director and General Manager of the respective Transport Corporation are 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 15.10.2016.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,
Tamilnadu State Transport
Corporation (CBE) Ltd.
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Coimbatore - 45.
2. The General Manager,
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Erode Region, Chennimalai Road,
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3. The Administrator,
Tamilnadu State Transport Employee's
Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai - 2.

+8ccs to Mr.P. Kannan Kumar, Advocate, S.R.No.41404

GR(CO)
EU(10/08/2016)

W.P.Nos.24884 to 24888 of 2016