

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.24904 to 24908 of 2016

W.P.No.24904 of 2016:-

R.Jayagobi

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary amount of Rs.3,25,160/- and settlement arrears of Rs.25,000/-, which total comes to Rs.3,50,160/- (Rupees three lakhs fifty thousand one hundred and sixty only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.07.2014 as Foreman in the 2nd respondent's office.

W.P.No.24905 of 2016:-

N.Venkatesan

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137, Salamedu,
Valutjareddy - Post,
Villipuram - 605 602.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to disburse the retirement benefits, viz., Gratuity amount of Rs.4,68,171/-, Earned Leave Surrender Salary amount of Rs.2,77,580/- and the total comes to Rs.7,45,751/- (Rupees seven lakhs forty five thousand seven hundred and fifty one only) with 18% interest on delayed payment to the petitioner, who is retired from service on 30.06.2013 as Traffic Inspector in the 2nd respondent's office.

W.P.No.24906 of 2016:-

R.Mohan

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary amount of Rs.3,00,000/- (Rupees Three lakhs only) with 18% interest on delayed payment to the petitioner, who is voluntarily retired from service on 30.04.2015 as Selection Grade Assistant Engineer in the 2nd respondent's office.

W.P.No.24907 of 2016:-

K.Moorthy

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137, Salamedu, Valutjareddy-Post
Villipuram - 605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar - House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd & 3rd respondents to disburse the retirement benefits, viz., Gratuity amount of Rs.4,20,000/-, Pension Commutation amount of Rs.1,75,000/- and Settlement Arrears amount of Rs.15,000/-, the total comes to Rs.6,10,000/- (Rupees six lakhs and ten thousand only) with 18% interest on delayed payment to the petitioner, who is retired from service on 30.04.2014 as Selection Grade Driver in the 2nd respondent's office.

W.P.No.24908 of 2016:-

G.Muthukumarasamy

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137, Salamedu, Valutjareddy-Post
Villipuram - 605 602.

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

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the 2nd & 3rd respondents to disburse the retirement benefits, viz., Gratuity amount of Rs.5,17,832/-, Pension Commutation amount of Rs.2,49,623/- and the total comes to Rs.7,67,455/- (Rupees seven lakhs sixty seven thousand four hundred and fifty five only) with 18% interest on delayed payment to the petitioner, who is retired from service on 31.01.2013 as Checking Inspector in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran
in all W.Ps.

For R-1 : Mr.K.Rajendra Prasath
in all W.Ps. Government Advocate

For R2 & R3 : Mr.S.Sairaman,
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. Hence, these 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 respective Transport Corporation/the authority concerned 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 15.10.2016.

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

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.
3. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137, Salamedu,
Valutjareddy - Post,
Villipuram - 605 602.
4. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar - House,
Pallavan Salai, Chennai - 600 002.

+5cc to Mr.D.Veerasekaran, Advocate sr.40569,70,71,72, & 73
+2cc to Mr.S.Sairaman, Advocate Sr.40769
+1cc to the Government Pleader sr.40851

W.P.Nos.24904 to 24908 of 2016

GJ[co]
srg 10/08/2016