

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 26370 to 26379 of 2016

- 1 K.CHOKKALINGAM ... PETITIONER in WP No.26370 of 2016
S/O.KRISHNASAMY DRIVER (RETD)
(PR.NO. J03907)
- 1 R.MURUGESAN ... PETITIONER in WP No.26371 of 2016
S/O.RAMASAMY ATTENDER (RETD) (PR.NO.5940)
- 1 N.PALANIVELU ... PETITIONER in WP No.26372 of 2016
S/O.NACHIMUTHU GOUNDER SENIOR ASSISTANT
(RETD) (PR.NO.15996)
- 1 P.RAMASAMY ... PETITIONER in WP No.26373 of 2016
S/O.PACHA GOUNDER SUPERINTENDENT (RETD) (PR.
NO.9181)
- 1 P.N.VINAYAGAMOORTHY ... PETITIONER in WP No.26374 of 2016
(PR.NO.J04779) S/O.NANJAPPA GOUNDER
SPECIAL GRADE CONDUCTOR (RETD)
- 1 M.R.DASS (PR.NO.J00270)... PETITIONER in WP No.26375 of 2016
S/O.RANGASWAMY SUPERINTENDENT (RETD)
- 1 M.THANGAVEL (PR.NO.J13083)
S/O.MANICKAM
SENIOR CHECKING INSPECTOR (RETD)
... PETITIONER in WP No.26376 of 2016
- 1 V.GOVINDARAJU ... PETITIONER in WP No.26377 of 2016
S/O.VENKITASAMY SPECIAL GRADE CONDUCTOR
(RETD) (PR.NO.11967)
- 1 K.KADIRVELU (PR.NO.13145)
S/O.KARUPPUSAMY SENIOR ASSISTANT (COMPUTER
OPERATOR) (RETD) ... PETITIONER in WP No.26378 of 2016
- 1 S.BOSE ... PETITIONER in WP No.26379 of 2016
S/O.SHANGAIYAH SPECIAL GRADE CONDUCTOR
(RETD) (PR.NO.10018)

Vs.

1 TAMIL NADU STATE TRANSPORT
CORPORATION (CBE) LTD. 37 METTUPALAYAM
ROAD COIMBATORE-641 043 REPRESENTED BY ITS
MANAGING DIRECTOR.

... 1st RESPONDENT in WP No.26370 to
26379 of 2016

2 THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALLUVAR HOUSE
PALLAVAN SALAI CHENNAI-600 002.

...2nd RESPONDENT in WP No.26372 of 2016

Prayer in WP No.26370 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26371 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26372 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondents to pay the petitioner all his retirement benefits including Gratuity, Commutation Amount, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for

the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26373 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26374 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26375 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26376 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement

of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26377 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26378 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

Prayer in WP No.26379 of 2016

Petition filed under Article 226 of the constitution of India praying to issue of a writ of mandamus to Directing the respondent to pay the petitioner all his retirement benefits including Gratuity and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable Court

For Petitioner : Mr.A.Rajendiran
in all W.Ps.

For Respondent : Mr.S.Sairaman
in all W.Ps. Standing Counsel

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 the retirement benefits. In this regard, the petitioners submitted representations before the respondent, on various dates. However, till date, there is no response. 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 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 Managing Director of the Transport Corporation 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 15.11.2016.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (CBE) LTD.,
37, METTUPALAYAM ROAD,
COIMBATORE - 641 043

2. THE ADMINISTRATOR
THE TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALUVAR HOUSE
PALLAVAN SALAI CHENNAI-600 002.

10 ccs to Mr.A.Rajendiran, Advocate, sr.42644
1 cc to Mr.s.Sairaman, Advocate, sr.43493

W.P.Nos. 26370 to 26379 of 2016

nrjk co
kra 17.08.2016