

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.26413 to 26415 of 2016

W.P.No.26413 of 2016

K.Gurunatha Chetti

.. Petitioner

vs.

1. The Government of Tamil Nadu,
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 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 respondents to settle the petitioner's retirement benefits such as Gratuity, Commutation of pension, EL surrender for 2 years, Encashment of Leave salary (ML-98), Settlement benefits, pension arrears, PF arrears and other eligible terminal benefits after duly taking into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2014 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.

W.P.No.26414 of 2016

K.Rajagopal

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
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.

.. 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 petitioner's retirement benefits such as Encashment of Leave Salary (EL) - 98 days, Encashment of Leave salary (ML-98) 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 30.06.2011 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.

W.P.No.26415 of 2016

A.C.Subramanian

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
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 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 respondents to settle the petitioner's retirement benefits such as Gratuity, Commutation of pension, Leave surrender for 3 years (45 days), Encashment of Leave (EL), Settlement benefits, Pension arrears, PF arrears 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 31.05.2014 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 Petitioner : Mr.V.S.Jagadeesan

For R1 : Mr.P.Chinnadurai
Government Advocate

For R2 & R3 : Mr.S.Sairaman,
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 respondents, 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 2nd and 3rd 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 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.

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Sd/-
Asst.Registrar

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Sub Asst. Registrar

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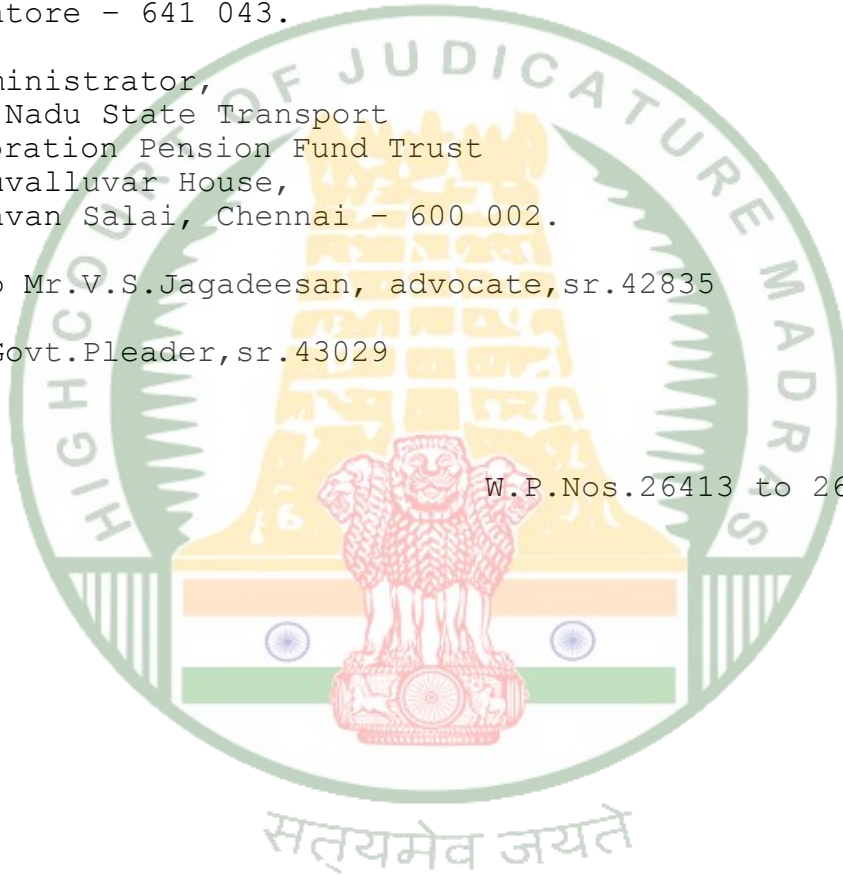
1. The Principal Secretary to the Govt.of Tamilnadu,
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Thiruvalluvar House,
Pallavan Salai, Chennai - 600 002.

+3 cc's to Mr.V.S.Jagadeesan, advocate,sr.42835

+1 cc to Govt.Pleader,sr.43029

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W.P.Nos.26413 to 26415 of 2016



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