

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.27746 to 27759 of 2016

A.Sivanandam .. Petitioner in W.P.No.27746 of 2016
A.Dharumar .. Petitioner in W.P.No.27747 of 2016
A.Duraibabu .. Petitioner in W.P.No.27748 of 2016
C.Jayaraj .. Petitioner in W.P.No.27749 of 2016
S.Jaganathan .. Petitioner in W.P.No.27750 of 2016
G.Kanniappan .. Petitioner in W.P.No.27751 of 2016
K.Mahadevan .. Petitioner in W.P.No.27752 of 2016
C.Palani .. Petitioner in W.P.No.27753 of 2016
R.Panneerselvam .. Petitioner in W.P.No.27754 of 2016
B.Poongodi .. Petitioner in W.P.No.27755 of 2016
T.Rajavelu .. Petitioner in W.P.No.27756 of 2016
C.Sampath .. Petitioner in W.P.No.27757 of 2016
M.Shanmugam .. Petitioner in W.P.No.27758 of 2016
A.S.Vanktesan .. Petitioner in W.P.No.27759 of 2016

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George, Chennai - 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002. .. Respondents in all the petitions

Prayer in Writ Petitions Nos.27746 to 27749 of 2016:- Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to settle all eligible retirement benefits of the petitioner as sought for in the representation dated 23.07.2016, 28.07.2016, 29.07.2016 including interest thereto on such belated payment within a time to be stipulated by this Court.

For Petitioner : Mr.L.Chandrakumar
For R1 : Mrs.M.E.Raniselvam,
Additional Government Pleader
For R2 : Mr.P.Kannankumar

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 second 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 IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Transport Department,
Fort St. George, Chennai - 9.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai 600 002.

14 ccs to Mr.W.Chandrakumar, Advocate, sr.45763

1 cc to G.Thangavel, Advocate, sr.45213

1 cc to Government Pleader, sr.45589

W.P.Nos.27746 to 27759 of 2016

ctk co,
kra 02.09.2016