

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.27786 to 27788 of 2016

W.P.No.27786 of 2016

K.Mahalingam

.. Petitioner

Vs.

1. The Management of
Tamilnadu State Transport
Corporation(Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

.. Respondents

Prayer in Writ Petition No.27786 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct respondent to pay the petitioner Rs.2,19,273/- towards Leave Salary, Rs.93,974/- towards encashment of Leave on Personal Affairs and Rs.54,210/- towards balance of gratuity amount, together with 18% interest per annum, along with interest amounts towards delayed payment of part of the gratuity amount Rs.4,56,104/-for the period from 31.03.2012 to 30.12.2013 and further directing the 1st and 2nd respondents to pay him interest amount towards the delayed payment of pension Commutation Rs.2,79,257/- for the period from 31.03.2012 to 24.10.2013 at the rate of 18% interest, within a time frame as may be fixed by this Court.

W.P.No.27787 of 2016

N.Sundaram

.. Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

.. Respondents

Prayer in Writ Petition No.27787 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the petitioner Rs.5,66,314/- towards Gratuity, Rs.3,17,179/- towards leave salary and Rs.1,00,514/- towards encashment of Leave on personal affairs, together with 18% interest per annum and further direct the 1st and 2nd respondents to pay him interest amount towards the delayed payment of Pension Commutation Rs.3,08,187/- for the period from 30.11.2012 to 24.10.2013 at the rate of 18% interest within a time frame as may be fixed by this Court.

W.P.No.27788 of 2016

M.Udayakumar

.. Petitioner

Vs.

1. The Management of
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

.. Respondents

Prayer in Writ Petition No.27788 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to pay the petitioner Rs.6,32,305/- towards Gratuity and Rs.1,52,550/- towards encashment on Leave on Personal affairs together with 18% interest per annum, along with interest amount towards the delay period from 31.12.2013 to 21.04.2015 in paying EPF Employee's Contribution amount Rs.2,90,994/- at the rate as per EPF scheme and further direct the respondent to pay him Rs.3,07,885/- towards the pension commutation amount together with interest at the rate of 18% p.a. within a time frame as may be fixed by this Court.

For Petitioner
in all W.Ps. : Mr.S.Arunachalam

For Respondents
in all W.Ps. : 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 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 respondents 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 15.11.2016.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Management of
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Rep. by its Managing Director,
Coimbatore.

2. The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1cc to Mr.V. Ajoy Khose, Advocate, S.R.No.45288

MSM(CO)
EU(01/09/2016)

W.P.Nos.27786 to 27788 of 2016