

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.27796 and 27797 of 2016

W.P.No.27796 of 2016

D.Anand

.. Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu,
Vazhuthareedy P.O.,
Villupuram - 605 602.
2. The General Manager,
Tamilnadu State Transport
Corporation (VPM) Ltd.,
Karapettai,
Kancheepuram - 631 501.
3. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer in Writ Petition No.27796 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Encashment of Leave Salary, D.A. & Pay Settlement 2013 arrears and Medical, Engineering Colleges, I.R.T. Deposit amount with interest at the rate of not less than 12% per annum from the date of petitioner's retirement i.e. 30.06.2015 till the date of settlement, within such time as may be stipulated by this Court.

W.P.No.27797 of 2016

M.Mani

.. Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation
(VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy P.O.,
Villupuram - 605 602.

2. The General Manager,
Tamilnadu State Transport
Corporation (VPM) Ltd.,
Karapettai,
Kancheepuram - 631 502.

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

.. Respondents

Prayer in Writ Petition No.27797 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 respondents to settle the petitioner's retirement benefit including Gratuity and outstanding arrears if any, with interest at the rate of not less than 12% per annum from the date of retirement i.e.31/05/2013 till the date of settlement, within such time as may be stipulated by this Court.

For Petitioner
in both W.Ps. : Mr.R.Munuswamy

For Respondents
in all W.Ps. : 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 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

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+1cc to Mr.R. Munuswamy, Advocate, S.R.No.45749

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

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