

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.28546 to 28555 of 2016

P.Nagaraju	..	Petitioner	in W.P.No.28546 of 2016
V.Asokan	..	Petitioner	in W.P.No.28547 of 2016
N.D.J.Sheelakumari	..	Petitioner	in W.P.No.28548 of 2016
K.Natarajan	..	Petitioner	in W.P.No.28549 of 2016
M.Sukumaran	..	Petitioner	in W.P.No.28550 of 2016
K.Sathasivam	..	Petitioner	in W.P.No.28551 of 2016
A.Vellingiri	..	Petitioner	in W.P.No.28552 of 2016
Stephan Mathews P	..	Petitioner	in W.P.No.28553 of 2016
T.K.Palanisamy	..	Petitioner	in W.P.No.28554 of 2016
V.Ramasamy	..	Petitioner	in W.P.No.28555 of 2016

Vs.

Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043
Represented by its Managing Director

.. Respondent in
W.P.No.28546 to
28553 & 28555/16 and
Ist Respondent in
W.P.28554/16

The Administrator,
Tamil Nadu State Transport Corporation Ltd.,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

सत्यमेव जयते

...2nd Respondent in W.P.No.28554
of 2016

COMMON PRAYER : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioners all his retirement benefits including Leave Salary, gratuity, Provident fund & Commutation amount and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Court and to grant them 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 Court.

For Petitioner : Mr.A.Rajendiran
in all WPs.

For Respondent : Mr.S.Sairaman
Standing Counsel - in all WPs.

C O M M O N O R D E R

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioners joined the service of the Transport Corporation and he retired from service long before. The grievance of the petitioners is that though, they retired from service long before, till date, they was not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was 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 petitioner 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 this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in this Writ Petition 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 this Writ Petition is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation 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 08.11.2016.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vrc

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore - 641 043.

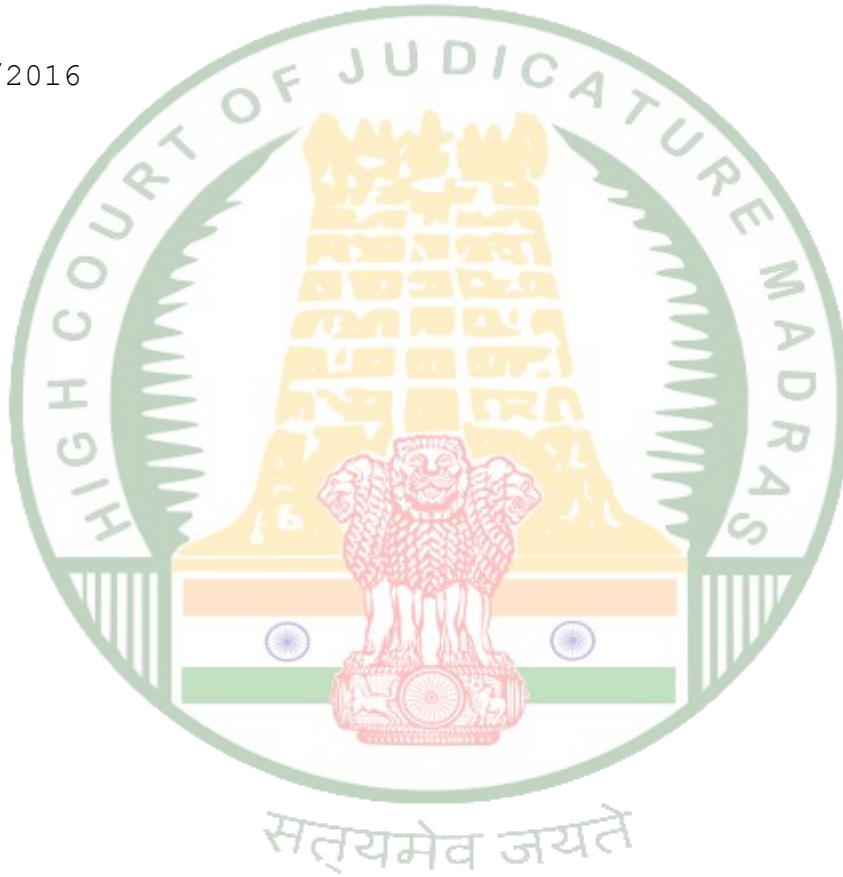
2.The General Manager,
TamilNadu State Transport Corporation Ltd.,
37, Mettupalayam Road,
Coimbatore-043.

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

+10cc to Mr.A.Rajendiran, Advocate Sr.46815 [27/09/2016]

W.P. Nos.28546 to 28555 of 2016

vd[co]
srg 14/09/2016



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