

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.30418 to 30421 of 2016

K.Ravi .. Petitioner in W.P.No.30418 of 2016

K.Thangaraj .. Petitioner in W.P.No.30419 of 2016

R.Prakalathan .. Petitioner in W.P.No.30420 of 2016

M.S.Selvaraj .. Petitioner in W.P.No.30421 of 2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007 .. 1st respondent in all W.Ps.

2. The Secretary,
Tamil Nadu State Transport Corporation,
Co-operative and Chikkana Nanaya Sangam,
No.8, Bungalow, Satyanarayana Street,
Sornapuri, Salem - 636 004... 2nd respondent in W.P.
Nos.38418, 38419 & 38421
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 respondents to settle the petitioners' retirement benefits such as the Gratuity, Earned Leave Salary, Commutation, Society Fund and other benefits payable to the petitioner with interest at the rate of 18% from 01.5.2015, 01.6.2013, 01.6.2013 and 01.05.2015 i.e., the date of their retirement respectively and the amount payable by the society with interest to the petitioner.

For Petitioner : Mr.T.Jeevanantham
in all WPs.

For Respondents : Mr.R.K.Gandhi
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 service of the Transport Corporation and he retired from service long before. The grievance of the petitioners are that though, they retired from service long before, till date, they were 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 Petitions were 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 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 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 01.01.2017.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007
2. The Secretary,
Tamil Nadu State Transport Corporation,
Co-operative and Chikkana Nanaya Sangam,
No.8, Bungalow, Satyanarayana Street,
Sornapuri, Salem - 636 004.

+2 cc's to M/s.R.K.Gandhi, advocate, sr.50483, 489.

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krd 21/9

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of 2016

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