

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30486 & WMP No.26427 of 2016

T.Subramaniam

.. Petitioner

Vs.

1. State of Tamil Nadu rep. by its
The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. Tamil Nadu State Transport Corporation [Salem] Limited,
rep. by its The Managing Director,
No.12, Ramakrishna Road,
Salem - 7.

.. Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to forthwith pay to the petitioner herein the retirement benefits viz. Gratuity and Earned Leave Encashment and all other monetary benefits with interest at the rate of 12%.

For Petitioner : Mr.V.R.Rajasekaran

For Respondents : Mr.P.Chinnadurai
Government Advocate - R1

Mr.R.K.Gandhi
Standing Counsel - R2

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O R D E R

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

2. The petitioner joined the service of the Transport Corporation and he retired from service long before. The

grievance of the petitioner is that though, he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner 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 petitioner, 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 petitioner 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, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vrc

To

The Principal Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation [Salem] Limited,
No.12, Ramakrishna Road,
Salem - 7.

+1 CC to Mr. V.R. Rajasekaran, Advocate Sr.No.49846
+1 CC to Govt., Pleader, Sr.No.50312

सत्यमेव जयते W.P. No.30486 of 2016

AD (CO)
MD : 20/09/2016

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