

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.30672 & 30673 of 2016

A.Duraisamy .. Petitioner in W.P.No.30672 of 2016
B.Babu .. Petitioner in W.P.No.30673 of 2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
 2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Division,
12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.
 3. The Administrator,
Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.
- .. respondents in both W.Ps.

Common Prayer : Writ Petitions have been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to settle payment of gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and Dearness Allowance and other retirement benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Court.

For Petitioners : Mr.A.Rajakumar
in both WPs.

For Respondents : Mr.R.K.Gandhi
Standing Counsel - in both WPs

C O M M O N O R D E R

By consent, the 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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vrc
To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
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Salem - 636 007.
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3. The Administrator,
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+2ccs to Mr.A. Rajakumar, Advocate, S.R.No.49850, 49851
+2ccs to M/s. R.K. Gandhi, Advocate, S.R.No.50477, 50478

NR(CO)
EU(03/10/2016)

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