

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.09.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.34424 to 34426 of 2016

P.Rajan ... Petitioner in W.P.No.34424/2016
H.Markandan ... Petitioner in W.P.No.34425/2016
R.Thangaraj ... Petitioner in W.P.No.34426/2016

Vs.

1.The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
...1st Respondent in all the W.Ps.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.
...2nd Respondent in W.P.Nos.34424 and 34425/2016

2.The Managing Director,
Tamil Nau State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.
3.The Administrator
Tamil Nau State Transport Corporation,
Pension Fund Trust, Thiruvalluvar - House,
Pallavan Salai, Chennai - 600 002.
...2nd & 3rd Respondents in W.P.No.34426/2016

Prayer in W.P.No.34424 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary amount of Rs.8,34,352/- and Leave on Private Affairs Rs.3,12,882/- the total comes to Rs.11,47,234/- (Rupees Eleven Lakhs Forty Seven Thousand Two Hundred and Thirty Four Only) with 18% interest on delayed payment to the petitioner the Manager cadre Officer staff No.A12176 who has retired from service on 30.04.2013.

Prayer in W.P.No.34425 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary amount of Rs.6,38,856/- and Leave on Private Affairs Rs.2,39,571/- the total comes to Rs.8,78,427/- (Rupees Eight Lakhs Seventy Eight Thousand Four Hundred and Twenty Seven Only) with 18% interest on delayed payment to the petitioner the Deputy Manager staff No.A13591 who has retired from service on 31.08.2013.

Prayer in W.P.No.34426 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to disburse the retirement benefits, viz., Gratuity Amount Rs.13,50,000/-, Earned Leave Surrender Salary Amount of Rs.5,40,000/-, Leave on Private Affairs amount Rs.2,03,000/-, 1998 Settlement Leave Salary amount Rs.1,14,000/-, Arrears of Surrender Earned Leave Amount for the year 2013-14 to 2014-15 Rs.68,000/- and Commutation on Pension Amount Rs.5,87,000/- the total comes to Rs.28,62,000/- (Rupees Twenty Eight Lakhs Sixty Two Thousand Only) with 18% interest on delayed payment to the petitioner the Assistant Manager staff No.AA0236 who is Voluntarily Retired from service on 30.06.2016.

For Petitioners : Mr.D.Veerasekaran

For Respondents : Mr.S.Gunasekaran for R1
Additional Government Pleader
Mr.P.Kannan Kumar for R2

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, along with interest on delayed payment to the petitioners.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the submissions made on either side.

5.The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made 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).

6.Following the said judgment, without going into the merits of the matter, the respondent is 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 1.12.2016.

7.With the above direction, the present writ petitions are disposed of. No costs.
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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai,
Chennai - 600 002.
- 3.The Managing Director,
Tamil Nau State Transport Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy - Post,
Villupuram - 605 602.

4.The Administrator

Tamil Nau State Transport Corporation,
Pension Fund Trust, Thiruvalluvar - House,
Pallavan Salai, Chennai - 600 002.

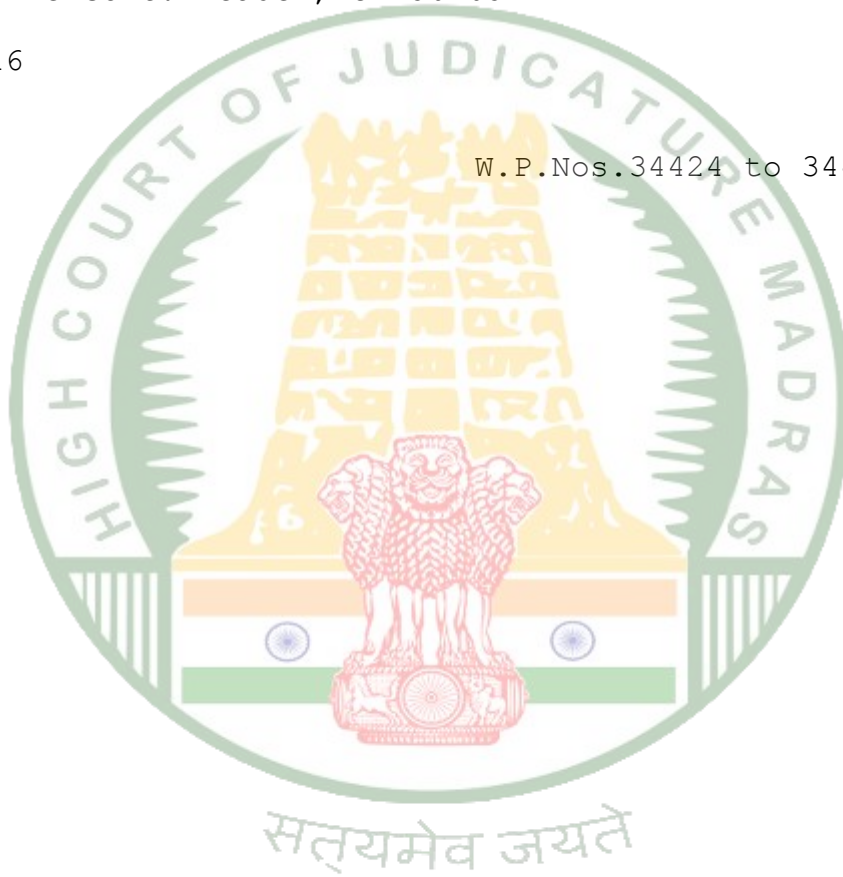
+ 4 ccs to Mr.P.Kannan Kumar, Advocate Sr 56698

+ 3 ccs to Mr.D.Veerasekaran, Advocate Sr 55800 TO 55802

+ 1 cc to The Govt.Pleader, Sr 56465

KR/26/10/16

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