

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos. 35253 and 35254 of 2016

M.Ravichandran ... Petitioner in W.P.35253/2016

V.Mohan ... Petitioner in W.P.35254/2016

vs.

- 1 The Managing Director
Tamil Nadu State Transport
Corporation
12, Ramakrishna Road
Salem-636 007.
- 2 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House
Pallavan Salai
Chennai-600 002. ... Respondents
in both the W.P.s

Prayer in W.P.No.35253 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to disburse to the petitioner his legitimately entitlements of terminal benefits viz. Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund balance ERBS Pension arrears, surrender Leave Salary Earned Leave balance as on 31.08.2015, balance dearness allowance and surrender medical leave salary, calculating D.A. Eligible as per newly implemented scheme and other terminal benefits payable to him with interest at 12% per annum with effect from 01.09.2015 within the stipulated time to be fixed by this Honourable Court.

Prayer in W.P.No.35254 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to disburse to the petitioner, his legitimately entitlements of terminal benefits viz. Provident Funds, Gratuity, Pension Commutation Family Welfare Fund balance ERBS Pension arrears, surrender Leave Salary Earned Leave balance as on 31.10.2015, balance dearness allowance and surrender medical leave salary,

calculating D.A. Eligible as per newly implemented scheme and other terminal benefits payable to him with interest at 12% per annum with effect from 01.11.2015 within the stipulated time to be fixed by this Honourable Court.

For Petitioner : Mr.K.Selva Kumar,
in both the W.Ps.

For Respondents : Mr.P.Paramasivadosh,
in both the W.Ps.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is 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 respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions have been filed.

3. I have heard the learned counsel appearing for the petitioners and the learned counsel, who has taken notice on behalf of the respondents.

4. 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).

5. Following the said judgment, without going into the merits of the matter, the respondents 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 1.1.2017.

6. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation
12, Ramakrishna Road
Salem-636 007.
- 2 The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

+2ccs to M/s. K. Selvakumar, Advocate, S.R.No.57474

CP(CO)
EU(12/11/2016)

W.P.Nos.35253 and
35254 of 2016

सत्यमेव जयते

WEB COPY