

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.35287 and 35288 of 2016

W.P.No.35287 of 2016:

1 A.Elumalai ... Petitioner

Vs.

1 The Principal Secretary to Government
Transport Department
Fort St.George, Chennai-9.

2 The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd
Pallavan Salai, Chennai-2.

3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai-2.

... Respondents

W.P.No.35288 of 2016:

1 S.Mayakrishnan ... Petitioner

Vs.

1 The Principal Secretary to Government
Transport Department
Fort St. George, Chennai-9.

2 The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd
37, Mettupalayam Road
Coimbatore-641 043

... Respondents

Prayer in W.P.No.35287 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd and 3rd respondents to disburse the retirement benefits viz. Earned Leave Surrender Salary amount of Rs.3,99,480/- Leave on Private Affairs Rs.74,905/-, 1998 Settlement Leave Benefit Rs.25,000/-, Pension Commutation Rs.3,95,780/- and IRT Contribution amount Rs.4600/- the total comes to Rs.8,99,765/- (Rupees Eight Lakhs Ninety Nine Thousand Seven Hundred and Sixty Five Only) with 18% interest on delayed payment to the petitioner the Senior Assistant Engineer Staff No.T08436, who retired from service on 31.3.2014

Prayer in W.P.No.35288 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the 2nd respondent to disburse the retirement benefits viz. Provident Fund Contribution amount of Rs.18,88,391/-, Gratuity Amount of Rs.10,00,000/- Earned Leave Salary Amount of Rs.9,09,360/- and Leave on Private Affairs amount of Rs.3,41,010/- All totally comes to Rs.41,38,761/- (Rupees Forty one lakhs thirty Eight Thousand and Seven Sixty one only) with 18% interest on delayed payment to the petitioner PR No.9936 who is retired from service on 31.7.2016 as Manager Cadre officer in the 2nd respondent's office

For Petitioner in
both W.Ps. : Mr.D.Veerasekaran

For Respondents in
both W.Ps. : Mr.R.Venkatesh for R1
Mr.P.Kannan Kumar for R2 & R3

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

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Principal Secretary to Government
Transport Department
Fort St.George, Chennai-9.

2 The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd
Pallavan Salai, Chennai-2.

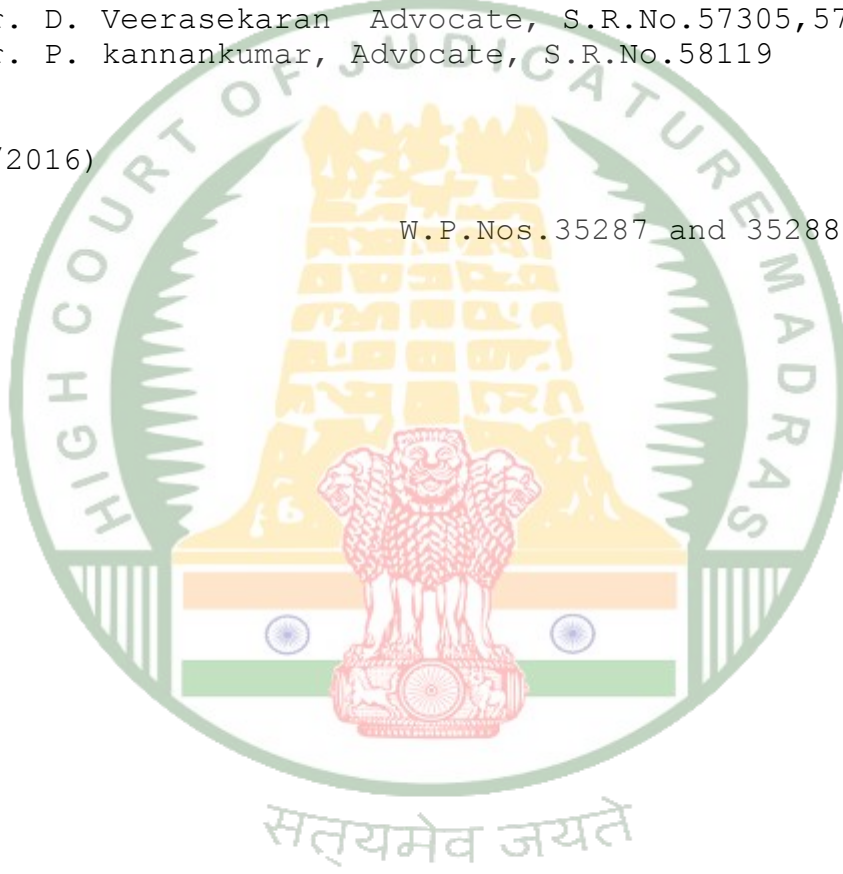
3 The Managing Director
Tamil nadu Stae Transport Corporation
(CBC) Ltd. 37, Mettupalayam Road,
Coimbatore 641 043.

4 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai, Chennai-2.

+2cc to Mr. D. Veerasekaran Advocate, S.R.No.57305,57304
+3cc to Mr. P. kannankumar, Advocate, S.R.No.58119

GJ (CO)
md (10/11/2016)

W.P.Nos.35287 and 35288 of 2016



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