

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36414 and 36415 of 2016

K.Damodaran, Staff No.C13668

... Petitioner in W.P.No.36414/2016

C.Delli, Staff No.A09070

... Petitioner in W.P.No.36415/2016

Vs.

- 1 Metropolitan Transport Corporation Ltd.
Rep by The Managing Director,
Pallavan House,
Pallavan Salai, Chennai – 600 002.
- 2 Metropolitan Transport Corporation Ltd.
Rep by The General Manager,
Pallavan House,
Pallavan Salai, Chennai – 600 002.
- 3 Tamil Nadu State Transport Corporation (MTC)
Ltd., Employees Post Retirement Welfare Fund
Scheme, Rep. by: The Administrator,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.
... Respondents in both the W.Ps.

Prayer in W.P.No.36414 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to settle the retirement benefits of leave salary, commutation value of pension that are payable to the petitioner and all other attendant retirement

benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Honourable Court by considering and passing orders on the representation of the Petitioner dated 04.10.2016.

Prayer in W.P.No.36415 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to settle the retirement benefits of leave salary, commutation value of pension that are payable to the petitioner and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Honourable Court by considering and passing orders on the representation of the Petitioner dated 04.10.2016.

For Petitioners : Mr.N.Ishak
For Respondents : Mr.P.Kannan Kumar

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 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.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondent requesting to pay all the retirement benefits. But, the same have not been considered so far. 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 learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

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 01.01.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

18.10.2016

pri
Index: Yes/ No
Internet: Yes/ No

To

- 1 Metropolitan Transport Corporation Ltd.
Rep by The Managing Director,
Pallavan House,
Pallavan Salai, Chennai – 600 002.
- 2 Metropolitan Transport Corporation Ltd.
Rep by The General Manager,
Pallavan House,
Pallavan Salai, Chennai – 600 002.
- 3 Tamil Nadu State Transport Corporation (MTC)
Ltd., Employees Post Retirement Welfare Fund
Scheme, Rep. by: The Administrator,
Thiruvalluvar House, Pallavan Salai,
Chennai – 600 002.

R.SUBBIAH,J.

pri

**W.P.Nos.36414 and
36415 of 2016**

18.10.2016