

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.3657 to 3659 of 2016

P.Chandran ... Petitioner in W.P.3657 of 2016

S.Panner Selvam ... Petitioner in W.P.3658 of 2016

M.G.Subramani ... Petitioner in W.P.3659 of 2016

Vs.

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

... Respondent in all the above
Writ Petitions

Writ Petition No.3657 of 2016 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 31.8.2015 within a stipulated time.

Writ Petition No.3658 of 2016 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 31.8.2015 within a stipulated time.

Writ Petition No.3659 of 2016 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 31.5.2015 within a stipulated time.

For petitioners : Mr.T.Anantha Sekar
(in all WPs)

For respondents in
all the above WPs : Mr.P.Kannankumar

ORDER

The prayer in these Writ Petitions are for issuance of a Mandamus to direct the respondent to pay retirement benefits with interest to the petitioners in view of their respective representations.

2. Mr.P.Kannankumar, learned Standing Counsel, takes notice for the respondent.

3. It is stated that though the petitioners were allowed to retire from the service of the respondents, till date, the respondent Corporation has not settled the retirement benefits. Hence, the petitioners have come before this Court.

4. In similar circumstances, a Division Bench of Madurai Bench, while disposing of a batch of Writ Appeals in W.A.(MD) Nos.387 to 457 of 2015, by an order dated 12.6.2015, issued a direction to pay the retirement benefits by way of instalments. 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.The learned counsel appearing for the petitioners would submit that the petitioners' case may be considered in the light of the above decision since the issue involved in the Writ Petitions has already been answered in the above said decision by the Division Bench.

6. Considering the facts and circumstances of the case and also considering the fact that the issue involved in the Writ Petitions has already been answered by the Hon'ble Division Bench of the Madurai Bench, the Writ Petitions are disposed of in the light of the above said decision. Accordingly, the retirement benefits of the petitioners are directed to be settled by way of 12 equal instalments. The payment of

instalments should commence from March, 2016 and each instalments should be paid on or before 07th of each month. In case of any delay in making the payment of the instalments, the interest payable would be 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for non-compliance of payment as per instalments. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

asvm

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

+3cc's to Mr.T.Anantha Sekar, Advocate, S.R.No.6272 to 6274
+3cc's to Mr.P.Kannankumar, Advocate, S.R.Nos.6947 to 6949
+1cc to Mr.R.K.Gandhi, Advocate, S.R.No.6711

W.P.Nos.3657 to 3659 of 2016

TEJ(CO)
CA(12/02/2016)

सत्यमेव जयते

WEB COPY