

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37152 to 37154 of 2016

C.Gurusamy ... Petitioner in
W.P.No.37152/2016

K.Cheluvaiah ... Petitioner in
W.P.No.37153/2016

R.Kumarasamy ... Petitioner in
W.P.No.37154/2016

vs.

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road, Coimbatore-43
... Respondent in
all the writ petitions.

Writ petition No.37152 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 6 26 365/- + Leave Encashment (EL) sum of Rs.41 300/- + Provident fund sum of Rs.2 31 239/- + Social Security Scheme (SSS) sum of Rs.36 000/- = Totally sum of Rs.9 94 904/- + arrears of amounts as per 12(3) Settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.11.2015 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.12.2015 to till the date of disbursement of the terminal benefits to the petitioner.

Writ petition No.37153 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 5 79 102/- + Leave Encashment (EL) sum of Rs.48 930/- + Provident fund sum of Rs.2 12 393/- + Leave surrender in Rs.17 475/- + Social Security Fund sum of Rs.36 000/- = Totally sum of Rs.8 93 900/- + arrears of amounts as per 12(3) Settlement with effect from 01.09.2013 to till the date of retirement i.e.

30.06.2015 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2015 to till the date of disbursement of the terminal benefits to the petitioner.

Writ petition No.37154 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 2 75 400/- +Leave Encashment (EL) sum of Rs.75 110/- + Provident fund sum of Rs.2 13 368/- + Leave surrender in 2011 of Rs.45 675/- = Totally sum of Rs.6 09 553/- + arrears of amounts as per 12(3) Settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.06.2016 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2016 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner : Mr.Y.George Williams
in all the writ petitions

For Respondents : Mr.S.Sairaman
in all the writ petitions.

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 respondent, 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 respondent.

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 respondent is 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, all the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

To

The Managing Director,
Tamilnadu State Transport Corporation
(Coimbatore Division) Ltd.,
37, Mettupalayam Road, Coimbatore-43

+ 1 cc to M/s. R.Y. George williams, Advocate Sr.60382

W.P.Nos.37152 to
37154 of 2016

CP(CO)
EU 22.11.16

सत्यमेव जयते

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