

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Writ Petition Nos.39044 to 39049 of 2016

D.Rajamanickam	... Petitioner in W.P.39044 of 2016
S.Palanidurai	... Petitioner in W.P.39045 of 2016
S.Chittiraiselvan	... Petitioner in W.P.39046 of 2016
B.Jayakumar	... Petitioner in W.P.39047 of 2016
R.Shanmugam	... Petitioner in W.P.39048 of 2016
S.Rajakumar	... Petitioner in W.P.39049 of 2016

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St.George, Chennai-600 009.

2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai-600 002.

... Respondents in all the
Writ Petitions

Prayer in all the Writ Petitions : Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writs of Mandamus to direct the second respondent to disburse the retirement benefits with interest as described in the petitioners' representations, dated 22.10.2016 (in W.P.No.39044 of 2016) and 17.10.2016 (in W.P.Nos.39045 to 39049 of 2016).

For Petitioners : Mr.A.Murugan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader for R-1
Mr.S.Sairaman for R-2

ORDER

The petitioners have filed these Writ Petitions praying for issuance of Writs of Mandamus to direct the second respondent to disburse the retirement benefits with interest as described

in the petitioners' representations, dated 22.10.2016 (in W.P.No.39044 of 2016) and 17.10.2016 (in W.P.Nos.39045 to 39049 of 2016).

2. The case of the petitioners is that they joined the services of the second respondent-Transport Corporation as:

- (i) Driver on 01.05.1982 (in W.P.No.39044 of 2016);
- (ii) Conductor on 01.09.1980 (in W.P.No.39045 of 2016)';
- (iii) Conductor on 01.08.1987 (in W.P.No.39046 of 2016);
- (iv) Driver on 01.05.1991 (in W.P.No.39047 of 2016);
- (v) Tradesman on 01.03.1982 (in W.P.No.39048 of 2016) and
- (vi) Tradesman on 01.07.1982 (in W.P.No.39049 of 2016)

and they were promoted as:

- (i) Driving Instructor and retired on 30.06.2014 (in W.P.No.39044 of 2016);
- (ii) Traffic Inspector and retired on 31.12.2015 (in W.P.No.39045 of 2016);
- (iii) SG.SR. Conductor and retired on 31.05.2016 (in W.P.No.39046 of 2016);
- (iv) SG.SR. Driver and retired on 30.09.2016 (in W.P.No.39047 of 2016);
- (v) SG.SR.Tradesman and retired on 31.05.2015 (in W.P.No.39048 of 2016) and
- (vi) SG.SR.Tradesman and retired on 31.03.2015 (in W.P.No.39049 of 2016)

3. The grievance of the petitioners is that though they have retired from service on the above mentioned dates, till date, they have not been paid the retirement/service benefits. In this regard, the petitioners submitted representations on 22.10.2016 (in W.P.No.39044 of 2016) and 17.10.2016 (in W.P.Nos.39045 to 39049 of 2016) to the second respondent. Till date, there was no response from the respondents. Hence, the petitioners have filed these Writ Petitions for the above said reliefs.

4. I have heard the learned counsel appearing for the petitioners, the learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent.

5. The issue involved in the present Writ Petitions is squarely covered by a judgment of the Division Bench of the Madurai Bench of this Court made in W.A.(MD).Nos.383 to 457 of 2015, dated 12.6.2015 (K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others). The said Division Bench judgment of this Court was also confirmed by the Supreme Court in S.L.P.(C).Nos.20721 to 20775 of 2015, dated 30.11.2015.

6. Following the said judgments, without going into the merits of the case, the respondents are directed to disburse the aforementioned retirement/service benefits to the petitioners herein, which have been detailed in their respective representations stated above, in twelve equal monthly instalments, in the light of the abovesaid judgments. It is also made clear that the first instalment shall commence from 01.02.2017 and each instalment should be paid on or before 7th of every month.

7. With the above observations and directions, the Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary,
Transport Department,
Fort St.George, Chennai-600 009.
2. The Managing Director,
State Express Transport Corporation (TN) Ltd.,
Chennai-600 002.

+6cc's to Mr.A.Murugan, Advocate, S.R.No.64760

W.P.Nos.39044 to 39049 of 2016

SKV(CO)
CA(01/12/2016)

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