

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.39703 to 39705 of 2016

A.Ganesan ... Petitioner in W.P.No.39703/2016
R.Jegajothi ... Petitioner in W.P.No.39704/2016
Jayachandran ... Petitioner in W.P.No.39705/2016

Vs.

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

... Respondent in all the W.Ps.

Prayer in W.P.No.39703 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.4,72,096/- + Leave surrender sum of Rs.1,16,610/- + Medical Leave Surrender sum of Rs.13,901/- totally sum of Rs.9,54,539/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.09.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.10.2014 to till the date of disbursement of the terminal benefits to the petitioner.

Prayer in W.P.No.39704 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,50,409/- + Leave surrender sum of Rs.3,68,110/- + Social Security fund sum of Rs.36000/-, totally sum of Rs.9,54,539/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.04.2015 and other benefits and enhanced

dearness allowances along with 18% interest on delayed payment from 01.05.2015 to till the date of disbursement of the terminal benefits to the petitioner.

Prayer in W.P.No.39705 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.2,25,669/- + Leave surrender sum of Rs.2,19,778/- + Commutation sum of Rs.3,44,651/- + leave Surrender for 45 days sum of Rs.46,215/- + Social security fund sum of Rs.36,000/- totally sum of Rs.8,72,313/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 28.02.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.03.2014 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioners : Mr.R.Y.George Williams

For Respondent : Mr.S.Sairaman

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 all 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 respondent 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 takes notice for the respondent.

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 01.02.2017.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

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

+1cc to Mr.R.Y.George Williams, Advocate sr.65657
+1cc to Mr.S.Sairaman, Advocate Sr.65614

W.P.Nos.39703 to
39705 of 2016

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