

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40038 & 40039 of 2016

K.Nagaraj ... Petitioner in
W.P.No.40038/2016

N.Rajagopal ... Petitioner in
W.P.No.40039/2016

Vs

- 1 The Government of Tamil Nadu
Rep by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai 9
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd. Head Office No. 37 Mettupalayam Road
Coimbatore 641 043 .. Respondents 1 and
2 in both the W.Ps.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai 2 3rd Respondent in
W.P.No.40038 of 2016

W.P.No.40038 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondents to settle the retirement benefits payable to the petitioner namely Encashment of Leave Salary (EL) , Encashment of Leave Salary (ML 98), Pension Amount Pending for the Month of May 2016 DA arrears PF arrears after having duly taking into account the enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.11.2011 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos. 383 to 457 of 2015 dt 12.6.2015.

W.P.No.40039 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondents to settle the retirement

benefits payable to the petitioner namely Encashment of Leave Salary (EL) , Encashment of Leave Salary (ML 98), Pending in service leave salary, DA arrears, PF arrears and Gratuity after duly taking into account the enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.4.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos. 383 to 457 of 2015 dt 12.6.2015.

For Petitioner : Mr.V.S.Jagadeesan
in both the writ petitions

For Respondents : Mr.K.Dhananjayan, Spl.G.P.for R1
Mr.S.Sairaman for R2 and R3
in both 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 respondents, 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, learned Special Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

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 respondents are 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 1.2.2017.

6. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS)

/true copy/

Sub Asst. Registrar

To

- 1 The Principal Secretary Transport
Department Secretariat Fort St. George
Chennai 9
 - 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd. Head Office No. 37 Mettupalayam Road
Coimbatore 641 043
 - 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai 2
- +2 cc's to M/s.V.S.jagadeesan, advocate,sr.65565
+1 cc to M/s.S.Sairaman,advocate,sr.66248
+1 cc to Government Pleader,sr.66117.

mv(co)
krd 24/11

सत्यमेव जयते

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