

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40218 & 40220 of 2016

P.Rajaram ...Petitioner in W.P.No.40218/2016
P.Jayaraman ...Petitioner in W.P.No.40219/2016
P.Kualandaivel ...Petitioner in W.P.No.40220/2016

Vs.

1. State of Tamil Nadu
represented by its
Principal Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.
2. Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Represented by its Managing Director,
12, Ramakrishna Road,
Salem-7 ... Respondents in all W.Ps.

Prayer in W.P.40218 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith pay to the petitioner herein earned and medical leave encashment and all other monetary benefits with interest at the rate of 18%.

Prayer in W.P.40219 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith pay to the petitioner herein arrears of salary, difference in pension and retirement benefits viz. Gratuity, commutation, earned leave surrender and medical leave encashment as per the revised settlement dated 01.09.2013, share amount due from IRT, Perunduarai and all other monetary benefits with interest at the rate of 18%.

Prayer in W.P.40220 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to forthwith pay to the petitioner herein arrears of salary, difference in pension and retirement benefits viz. Gratuity, commutation, earned leave

surrender and medical leave encashment as per the revised settlement dated 01.09.2013, share amount due from IRT, Perunduarai and all other monetary benefits with interest at the rate of 18%.

For Petitioner in all W.Ps : Mr.V.R.Rajasekaran

For Respondents in both W.Ps : Mr.O.Selvam,
Gov. Adv., for R1

: Mr. R.K.Gandhi,
for R2.

C O M M O N O R D E R

By consent, both the writ petitions are taken up for final disposal. Since the issue involved in all these petitions is related to each other, they are disposed of by a common order.

2. The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, with interest, within the time that may be stipulated by this Court.

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 respondents 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 respondents.

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 respondents are 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/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Principal Secretary to Government,
Transport Department,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Road,
Salem-7

+3 cc's to Mr.R.K.Gandhi, advocate,sr.67182

+4 cc's to Govt.Pleader,sr.66650,57,49&62

+3 cc's to Mr.V.R.Rajasekaran,advocate,sr.66260.

rv(co)
krd 8/12

W.P.Nos. 40218 to 40220
of 2016

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