

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.40231 & 40232 of 2016

R.KrishnamoorthiPetitioner in W.P.No.40231/2016

G.SubramaniPetitioner in W.P.No.40232/2016

Vs.

1. The State of Tamil Nadu
represented by the
Additional Chief Secretary to Government,
(Chairman, Transport Corporations)
Transport Department,
Fort St., George,
Chennai - 600 009.
2. The Management of
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
Represented by the Managing Director,
12, Ramakrishna Road,
Salem 636 007.
3. Tamil Nadu State Transport Corporation
Employees Pension Fund Trust
Rep. by its Administrator,
Thiruvalluvar House, Anna Salai,
Chennai 600 002. ... Respondents in both
W.Ps.

Prayer in W.P.40231 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards of provident fund gratuity, earned leave surrender leave co-operative society deposit benefits and 01.09.2013 agreement arrears for the period of 2013, pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner.

Prayer in W.P.40232 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle and disburse the amount payable to the petitioner towards gratuity leave surrender and surrender salary, co-operative society deposit benefits, pursuant to the settlement of February 2015 in full together with interest at the rate of 10% per annum from the date when the payment became realisation to the petitioner.

For Petitioner in both W.Ps : Mr.K.Harikrishnan

For Respondents in both W.Ps : Mr.D.Suriya Narayanan,
Gov. Adv., for R1

: Mr. R.K.Gandhi,
for R2 & R3.

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 01.01.2017.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Additional Chief Secretary to Government,
(Chairman, Transport Corporations)
The State of Tamil Nadu Transport Department,
Fort St., George,
Chennai - 600 009.
- 2.The Managing Director
The Management of Tamil Nadu State
Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem 636 007.
3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust ,
Thiruvalluvar House, Anna Salai,
Chennai 600 002.

1 cc to Mr.R.K. Gandhi, Standing Counsel Sr.1 67183
1 cc to Government Pleader, Sr. 66658

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of 2016

SK (CO)
kk 9/12