

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.40280 to 40284 of 2016

Y.Christobher Raju ... Petitioner in W.P.No.40280 of 2016
I. Stephen ... Petitioner in W.P.No.40281 of 2016
A. Joseph ... Petitioner in W.P.No.40282 of 2016
V. Krishnan Kutty ... Petitioner in W.P.No.40283 of 2016
M. Justin Thivy ... Petitioner in W.P.No.40284 of 2016

Vs

- 1 The State of Tamilnadu
Rep. by its Secretary Transport Department
Fort St. George Chennai 600 009.
- 2 The Tamil Nadu State
Transport Corporation (Tirunelveli) Ltd.
rep. by its Managing Director No.19
Trivandrum Road Vannarpettai Post
Tirunelveli 627 003.
- 3 The General Manager
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd. Nagercoil Region
Ranithottam Nesamani Nager
Nagercoil 629 001. ... Respondents in all WPs

W.P.No.40280 of 2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the Respondents to pay to the petitioner the gratuity amount Earned Leave Salary amounting to a total sum of Rs. 8,19,003/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.03.2016 in pursuance of the order of the 3rd Respondent vide O.O.No. 2914/A4/TSTC/2016 dated 30.03.2016 within a time limit on the basis of his representation dated 15.10.2016 sent to the Respondents.

W.P.No.40281 of 2016: Directing the Respondents to pay to the petitioner the gratuity amount Earned Leave Salary and Medical Leave Salary amounting to a total sum of Rs.14 55 719/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.05.2015 as conceded

by the 3rd Respondent by their order vide O.O.No. 3358/A4/TSTC/2015-1 dated 29.05.2015 and the slip dated 28.05.2015 within a time limit on the basis of his representation dated 15.10.2016 sent to the Respondents.

W.P.No.40282 of 2016: Directing the Respondents to pay to the petitioner the gratuity amount Earned Leave Salary and Medical Leave Salary amounting to a total sum of Rs.13 33 181/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.05.2015 as conceded by the 3rd Respondent vide O.O.No. 3358/A4/TSTC/2015-1 dated 29.05.2015 and the PF slip dated 28.05.2015 within a time limit on the basis of his representation dated 15.10.2016 sent to the Respondents.

W.P.No.40283 of 2016: Directing the Respondents to pay to the petitioner the gratuity amount Earned Leave Salary and Medical Leave Salary amounting to a total sum of Rs.12 98 006/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.03.2015 as conceded by the 3rd Respondent by the order vide O.O.No. 3796/A4/TSTC/2016 dated 30.05.2016 and the slip dated 30.05.2016 within a time limit on the basis of his representation dated 17.10.2016 sent to the Respondents.

W.P.No.40284 of 2016:

Directing the Respondents to pay to the petitioner the gratuity amount Earned Leave Salary and Medical Leave Salary amounting to a total sum of Rs.13 20 875/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.03.2015 in pursuance of the order of the 3rd Respondent vide O.O.No. 1567/A4/TSTC/2015 dated 30.03.2015 and the Provident Fund slip dated 26.03.2015 within a time limit on the basis of his representation dated 01.07.2016 sent to the Respondents.

For Petitioner : Mr.N.Rajan,
in all the writ petitions

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader,
for R.1
Mr.S.Sairaman
for R.2 and R.3
in all 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. Learned counsel appearing for the petitioners has submitted that the payment of retiral benefits is binding on the respondents and the same cannot be denied by the respondents.

4. I have heard the 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.

5. In view of the submissions made by the learned counsel appearing for the petitioners and the learned Special Government Pleader, appearing for the first respondent and the learned counsel appearing for the respondents 2 and 3, this Court is of the view that the respondents 2 and 3 cannot deny the payment of pensionary benefits due to the petitioners. Hence, the respondents 2 and 3 are directed to pay the retiral benefits due to the petitioners along with interest at the rate of 6% p.a., within a period of eight weeks from the date of receipt of a copy of this order. All the writ petitions are disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sbi

To

1 The Secretary Transport Department
Fort St. George Chennai 600 009.

2 The Tamil Nadu State
Transport Corporation (Tirunelveli) Ltd.
rep. by its Managing Director No.19
Trivandrum Road Vannarpettai Post
Tirunelveli 627 003.

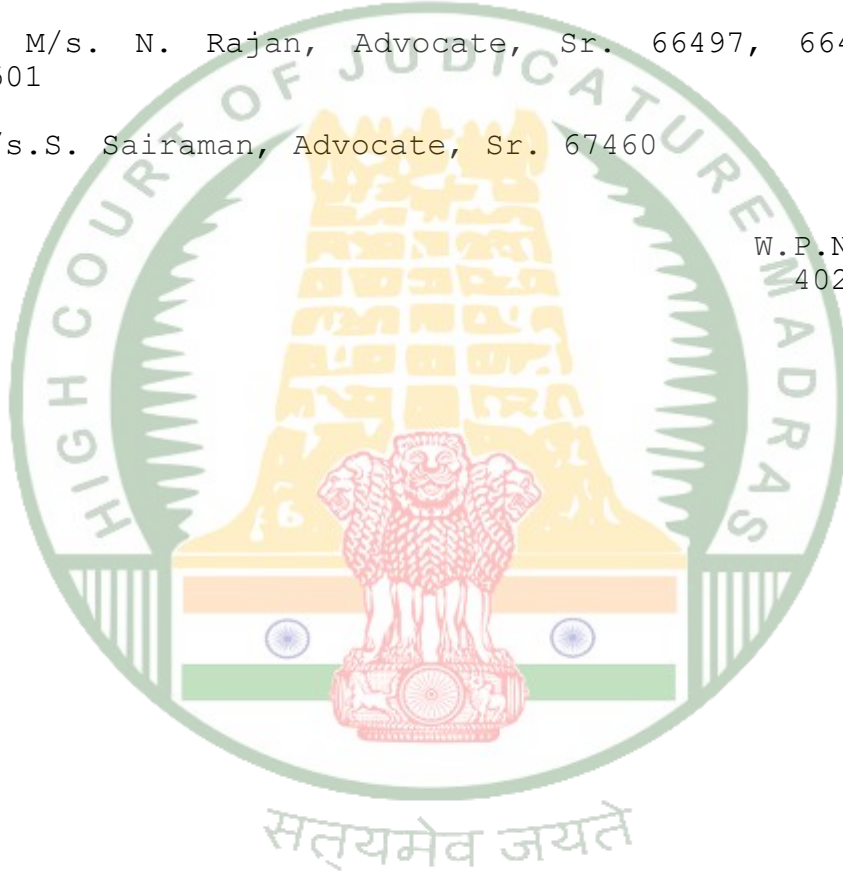
3 The General Manager
Tamilnadu State Transport Corporation
(Tirunelveli) Ltd. Nagercoil Region
Ranithottam Nesamani Nager Nagercoil 629
001.

5 ccs to M/s. N. Rajan, Advocate, Sr. 66497, 66498, 66499,
66500, 66501

1 cc to M/s.S. Sairaman, Advocate, Sr. 67460

W.P.Nos.40280 to
40284 of 2016

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