

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40548 & 40549 of 2016

S.Pongiannan ...Petitioner in W.P.No.40548/2016

N.Ramaraju ...Petitioner in W.P.No.40549/2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem .

2. The Administrator,
Tamil Nadu State Transport Corporation
Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai 600 002. Respondents in both W.Ps.

Prayer in W.P.40548 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to gratuity, pension commutation, family welfare fund balance ERBS pension arrears, surrender leave salary, i.e. Earned leave balance as on 28.02.2014, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.03.2014. within the stipulated time as may be fixed by this Court.

Prayer in W.P.40549 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to provident funds, gratuity, pension commutation, family welfare fund balance ERBS pension arrears, surrender leave salary i.e. Earned Leave balance as on 30.09.2016, balance dearness allowance, surrender medical leave salary upto 01.09.1998 by

calculating D.A eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.10.2016, tithin the stipulated time as may be fixed by this Court.

For Petitioner in both W.Ps : Mr.I.C.Vasudevan
For Respondents in both W.Ps : Mr. R.K.Gandhi,

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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
No.12, Ramakrishna Road,
Salem .

2. The Administrator,
Tamil Nadu State Transport Corporation
Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai 600 002.

+2cc to Mr.I.C. Vasudevan, Advocate, S.R.No.66837 and 66838
+2cc to Mr.R.K. Gandhi, Advocate, S.R.No.67187

mu (CO)
md(25/11/2016)

W.P.Nos. 40548 & 40549 of 2016

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