

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41591 and 41592 of 2016

G.Chandrasekaran ... Petitioner in W.P.No.41591/2016
K.Thanigaimalai ... Petitioner in W.P.No.41592/2016

vs.

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy,
Villupuram-605 602.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2. Respondents

Writ Petition No.41591 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, RBS Arrears and DA arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.10.2013 till the date of actual payment to the petitioner within a time stipulated by this Court.

Writ Petition No.41592 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Surrender Leave (EL&ML), RBS arrears and D.A. arrears with interest at the rate of not less than 18% per annum payable from the date of

retirement and consequently, directing the respondents to pay interest at the rate of 18% p.a. for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.05.2016 till the date of actual payment to the petitioner within a time stipulated by this Court.

For Petitioner : Mr.M.Selvam
in both the writ petitions

For Respondents : Mr.S.Sairaman
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 and the learned counsel, who has taken notice on behalf of the respondents.

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 in both the Writ Petitions 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 01.02.2017.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy,
Villupuram-605 602.
 - 2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram.
 - 3.The Administrator,
Tamil Nadu State Transport Corporation
Employees' Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.
- +1 cc to Mr.M.Selvam,advocate,sr.69598.
- +1 cc to Mr.S.Saravanan,advocate,sr.70648.

gj (co)
krd 27/12

W.P.Nos.41591 & 41592/2016

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