

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.41789 to 41793 of 2016

S.Devadason	..Petitioner in WP.41789/16
N.Thangaraj	..Petitioner in WP.41790/16
P.Nagappan Nair	..Petitioner in WP.41791/16
G.Radhakrishnan	..Petitioner in WP.41792/16
S.Raghunathan	..Petitioner in WP.41793/16

vs.

- 1 The State of Tamil Nadu
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 Manger
TamilNadu State Transport Corporation
(Tirunelveli) Ltd Nagercoil Region
Ranithottam Nesamani Nagar Nagercoil- 629001
... Respondents in all WPs

Writ petition No.41789 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the respondents to pay the petitioner the gratuity amount earned Leave salary amounting to a total sum of Rs.11 04 934/- 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 vide O.O. no.2914/A4/ TSTC/ 2016-1 dated 30.03.2016 and the slip dated 30.03.2016 within a time limit on the basis of his representation dated 10.10.2016 sent to the respondents.

WP.No.41790/16: 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.6 31 091/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 31.05.2013 as conceded by the 3rd respondent by the order vide O.O. no.3864/A4/ TSTC/ 2013 dated 31.05.2013 within a time limit on the

basis of petitioner representation dated 18.10.2016 sent to the respondents.

WP.No.41791/16: 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.15 02 894/- along with other terminal benefits if any with interest calculated from the date of petitioner retirement dated 30.04.2016 as conceded by the 3rd respondent vide 3756/ A4/ TSTC/ 2016-1 dated 29.04.2016 and the slip dated 29.04.2016 within a time limit on the basis of petitioner representation dated 23.09.2016 sent to the respondents.

WP.No.41792/16: 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 03 681/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 30.04.2015 as conceded by the 3rd respondent by the order vide O.O. No. 3321/ A4/ TSTC/ 2015 dated 30.04.2015 and the provident Fund slip dated 29.04.2015 within a time limit on the basis of his representation dated 19.10.2016 sent to the respondents.

WP.No.41793/16: 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.7 40 561/- along with other terminal benefits if any with interest calculated from the date of his retirement dated 30.09.2013 as conceded by the 3rd respondent by the order vide O.O. No. 7519/ A4/ TSTC/ 2013 dated 30.09.2013 within a time limit on the basis of petitioner representation dated 07.11.2016 sent to the respondents.

For Petitioner : Mr.N.Rajan,
in all the writ petitions
For Respondents : Mr.O.Selvam,
Govt. Advocate, for R1
Mr.P.Kannan Kumar,
for R2 and R3
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 also heard the learned Government Advocate, 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 Government Advocate, 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 (J)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary Transport Department
Fort St. George Chennai-600 009
- 2 The Managing Director Tamil Nadu State
Transport Corporation (Tirunelveli) Ltd rep
NO.19 Trivandrum
Road Vannarpettai Post Tirunelveli- 627 003
- 3 The General Manger
TamilNadu State Transport Corporation
(Tirunelveli) Ltd Nagercoil Region
Ranithottam Nesamani Nagar Nagercoil- 629001

+5 cc's to M/s.N.Rajan,advocate,sr.69974 to 69978

+1 cc to Gov.Pleader,sr.70505.

cp(co)
krd 28/12

W.P.Nos.41789 to 41793 of 2016