

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

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THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P.Nos.556, 557 and 558 of 2016

S.Kaithamalai .. Petitioner in WP.556/2016
A.Thangavel .. Petitioner in WP.557/2016
S.Udayakumar .. Petitioner in WP.558/2016

Vs.

The Management of Tamil Nadu State
Transport Corporation [Kovail] Ltd.,
Erode Region,
Rep. by its General Manager,
Erode. .. 1st Respondent in all WPs

The Administrator,
Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai-2. .. 2nd Respondent in WP.556 &
558/16

Prayer in WP.No.556 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.5,32,818/- towards Gratuity, Rs.1,45,848/- towards Leave Salary and arrears of salary for the period from 01.09.13 to 31.01.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,27,725/- towards the pension Commutation amount and arrears of pension for the period from 01.02.15 by revising his pension together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

Prayer in WP.No.557 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondent to pay the petitioner Rs.5,34,870/- towards Gratuity, Rs.10,801/- towards Leave Salary and arrears of salary for the period from 01.09.13 to 31.05.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

Prayer in WP.No.558 of 2015 : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.5,48,267/- towards Gratuity, Rs.32,091/- towards Leave Salary and arrears of salary for the period from 01.09.13 to 30.06.15 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,40,382/- towards the pension Commutation together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.V.Ajay Hose
in all WPs

For Respondents : Mr.P.Kannan Kumar
in all WPs

C O M M O N O R D E R

By consent, all these writ petitions are taken up for disposal at the admission stage itself.

2. The case of the petitioners is that they joined the services of the respondent corporation on 30.07.1978, 22.05.1987 and 20.05.1987 and retired from the services on 31.01.2015, 31.05.2015 and 30.06.2015 respectively. Since their retirement/terminal benefits were not settled, they made representations to the respondent on 24.12.2015. Since no orders have been passed on the representations, the petitioners have come up before this court by way of these writ petitions.

3. Mr.P.Kannan Kumar, learned counsel appearing for the respondents has drawn the attention of this Court to the judgment dated 12.06.2015 in W.A.[MD]Nos.383 to 457 of 2015 and would submit that in similar facts and circumstances, the Division Bench of the Madurai Bench of the Madras High Court ordered that the arrears to be paid in instalments and prays for appropriate orders.

4. It is relevant to extract the above-said common

judgment which is as follows :

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly instalments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.TEWARI [D] THR. LRS. Vs UTTAR HARYANA BIJLI VITRAN NIGAM LTD. & ORS. [2014] [9] SCALE-78, wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month.

4. The writ appeals are disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed."

5. In the light of the above said judgment, the respondents are directed to consider the representation of the petitioners dated 24.12.2015, with regard to their claim for settlement of retirement/terminal benefits and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The writ petitions are disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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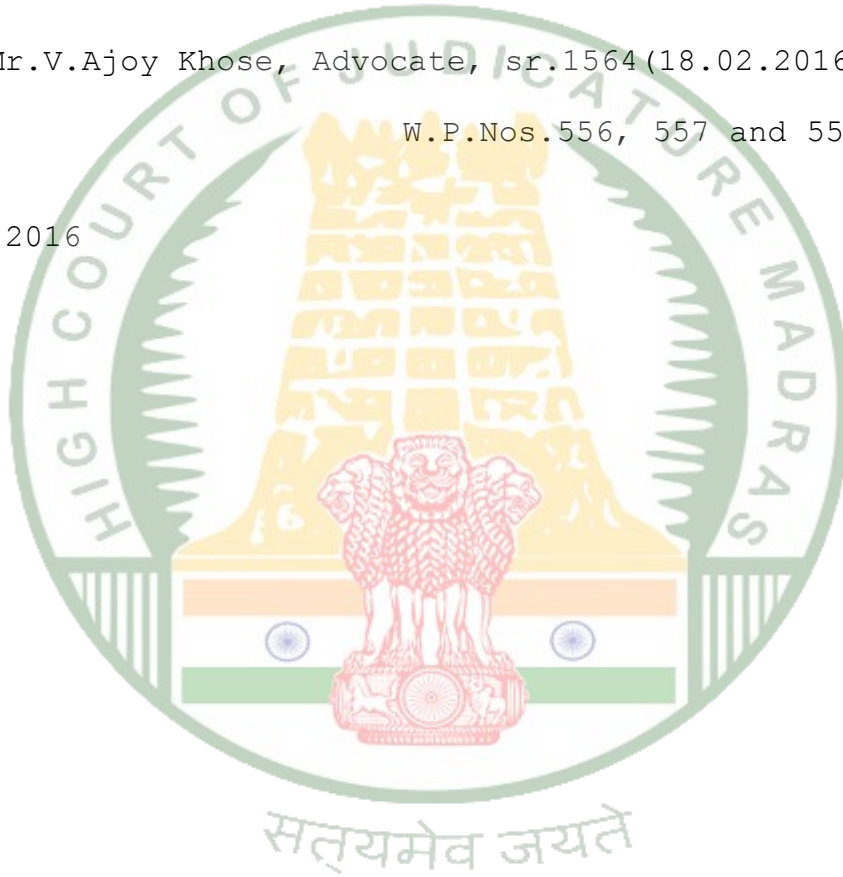
1.The General Manager,
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+1 cc to Mr.V.Ajoy Khose, Advocate, sr.1564(18.02.2016)

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