

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.01.2016

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.643 to 645 of 2016

L.Vajiram ... Petitioner in WP No.643 of 2016
T.Murugan ... Petitioner in WP No.644 of 2016
B.Shanthi ... Petitioner in WP No.645 of 2016

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy, Villupuram-605 602. ...I Respondent in all WPs

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore-632 009. ...II Respondent in W.P.643
and 645/15

The General Manager
T.N. State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602 ...II Respondent in W.P.644/16

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai-600 002. ...III Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India for issue of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and calculating DA eligible as per newly implemented, with interest at 12% per annum with effect from 01.08.2014, 01.09.2015 and 31.12.2015 respectively within the stipulated time.

For Petitioners : Mr.J.Pradeep
in all WPs

For Respondent : Mr.P.Paramasivadoss
in all WPs

COMMON ORDER

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 02.03.1987, 10.04.1981 and 07.03.1991 and retired from the services on 31.07.2014, 31.04.2015 and 31.12.2014 respectively. At the time of retirement, the petitioners were paid only the Provident Fund amount of Rs.1,17,889/-, Rs.2,26,999/- and Rs.2,00,000/- respectively, however other terminal benefits were not settled. Therefore, they made representations to the respondents on 11.11.2015, 17.12.2015 and 09.12.2015 respectively. 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.Paramasivadosh learned Standing 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 11/6/2015 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 Honourable 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, respondents are directed to consider the representation of the petitioners dated 11.11.2015, 17.12.2015 and 09.12.2015 respectively, 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.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy, Villupuram-605 602.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore-632 009.

3. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai-600 002.

4. The General Manager
T.N. State Transport Corporation
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram 605 602

3 ccs to Mr.J. Pradeep, Advocate, Sr. 1970 to 1972

3 ccs to Mr.P. Paramasivados, Advocate, Sr. 1978 to 1980

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