



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2016

CORAM:

THE HONOURABLE Mr. JUSTICE R.SUBBIAH

and

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU

W.A. (MD) Nos. 1565 to 1567 of 2016

and

C.M.P. (MD) Nos. 11587 to 11589 of 2016

W.A. (MD) No. 1565 of 2016:

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam.

... Appellant

Vs.

M.Selvaraj

... Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 12.11.2013 in W.P.(MD) No.18189 of 2013 passed by this Court.

Prayer in WP(MD).18189/2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus thereby directing the respondent to settle the retirement benefits of the petitioner with 18% interest per annum.

W.A. (MD) No. 1566 of 2016:

The Managing Director,
Tamil Nadu State Transport Corporation,
Thanjavur District.

... Appellant

Vs.

U.Neelamegam

... Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 28.11.2013 in W.P.(MD) No.19307 of 2013 passed by this Court.

Prayer in WP(MD).19307/2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus thereby directing the respondent to settle the retirement benefits of the petitioner with 18% interest per annum .

**W.A.(MD)No.1567 of 2016:**

The Managing Director,
Tamil Nadu State Transport Corporation,
Kumbakonam,
Thanjavur District.

... Appellant

Vs.

P.Chokkanathan

... Respondent

PRAYER: The Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order dated 27.11.2013 in W.P.(MD) No.19078 of 2013 passed by this Court.

Prayer in WP(MD).19078/2013 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus thereby directing the respondent to settle the retirement benefits of the petitioner with 18% interest per annum.

For Appellant : Mr.D.Sivaraman

For Respondent : Mr.P.Ganapathy Subramaniam

COMMON JUDGMENT

(Judgment of this Court was delivered by **R.SUBBIAH,J.**)

These Writ Appeals have been filed against the order passed by the learned Single Judge of this Court in W.P.(MD) Nos.18189, 19307 and 19078 of 2013 .

2.The only grievance of the appellant / Transport Corporation is that they were directed to settle all the terminal benefits of the respondents / Writ petitioners with interest at the rate of 6% per annum, within a period of three months from the date of receipt of a copy of the order.

3.The learned counsel for the appellant submitted that the Division Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015 directed the appellant / Transport Corporation to pay the terminal benefits to the retired employees through 12 equal monthly instalments, carrying interest of 6% per annum. Therefore, he submitted that due to financial constrain, the appellant / Transport Corporation may be directed to pay the terminal benefits to the respondents through instalments in view of the decision of the Hon'ble Division Bench of this Court in W.A.(MD)Nos.383 to 457 of 2015.



4.The learned counsel for the respondents submitted that these respondents retired from service in the year 2013 and for the past three years, they have not received their terminal benefits and hence, as a special case, the appellant / Transport Corporation may be directed to settle the terminal benefits forthwith.

5.Heard the learned counsel for the appellant / Transport Corporation and the learned counsel appearing for the respondents.

6.Considering the facts and circumstances of the case and also taking note of the fact that the respondents in W.A.(MD) Nos.1565 and 1567 of 2016 were retired from service in the year 2013, the order of the learned Single Judge is modified to the effect that the appellant / Transport Corporation is directed settle the retirement benefits to the respondents in W.A.(MD) Nos.1565 and 1567 of 2016 in five equal monthly instalments with 6% interest per annum. The instalments to be paid from February 2017 onwards and each instalments should be paid on or before 7th of each month. Accordingly, the Writ Appeals in W.A.(MD) Nos.1565 and 1567 of 2016 are disposed of.

7.As far as the W.A.(MD)No.1566 of 2016 is concerned, the learned counsel for the appellant / Transport Corporation is not pressing the same. Accordingly, the Writ Appeal in W.A.(MD) No.1566 of 2016 is dismissed as not pressed. No costs. Consequently, connected C.M.Ps.are closed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

3ccs to Mr.D.Sivaraman, Advocate in SR Nos.79766, 79767, 79768
2ccs to Mr.P.Ganapathy, Advocate in SR Nos.79901, 79902

W.A. (MD) Nos.1565 to 1567 of 2016
07.12.2016

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