

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 10.06.2016****CORAM:****THE HONOURABLE Mr.JUSTICE T.RAJA****WEB COPY****W.P(MD)Nos.10263 to 10265 of 2016**

1.M.Ramar ... Petitioner in WP.10263/2016
2.A.Gunasekaran ... Petitioner in WP.10264/2016
3.T.Thirumalaisamy ... Petitioner in WP.10265/2016

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Coimbatore Limited,
37, Mettupalayam Road,
Coimbatore - 641 043.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Limited, Erode Region,
Sennimalai Salai,
Erode District.

... Respondents in all Wps.

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioners in view of the representation dated 12.05.2016, 12.05.2016 and 31.05.2016 respectively.

For Petitioners : Mr.S.Royce Immanuel

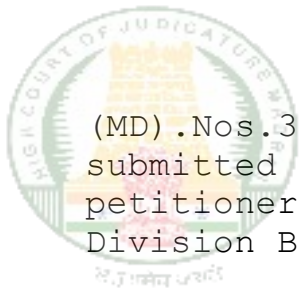
For Respondents : Mr.K.Sathiya Singh

COMMON ORDER

The petitioners were lastly employed as Senior Tradesman, Senior Assistant and Selection Grade Driver in the respondents Transport Corporation and they retired from service on 31.01.2011, 31.03.2013 and 30.04.2013 respectively.

2.They have filed the writ petitions seeking for a direction to the respondents to pay the retirement benefits.

3.When the matters are taken up for hearing, learned Standing Counsel appearing for the respondents submitted that the issue is covered by a judgment of a Division Bench of this Court in W.A.



(MD).Nos.383 to 457 of 2015 dated 12.06.2015. He has further submitted that the respondents would consider the request of the petitioners, in the light of the judgment passed by the Honourable Division Bench.

4. For ready reference, the judgment passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 is extracted hereunder:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/E/2015-2 dated 11.06.2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, 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 installments, 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 installments to be paid from July 2015 and each installment should be paid on or before 7th of each month"

5.Following the judgment of the Hon'ble Division Bench of this Court referred to above, the respondents are directed to pay the amount due to the petitioners in 12 equal monthly installments commencing from 10th July, 2016. Further, if there are settlements or awards, the Corporation is obliged to take the same into account while arriving at the figure. It is needless to mention that the entire arrears shall carry interest at the rate of 6% per annum. In case of delay in making installments, the interest payable could be 18% for the delayed period.

6.The aforesaid direction to settle the terminal benefits would not preclude the workmen to question the computation of any of the terminal benefits, if the same is paid lesser than the amount to which, they are entitled to receive. Likewise, if the petitioners have any grievance that they are entitled to interest for the amount already settled, they can agitate the same as per law. ~~https://hccwvsc.courts.delhi.gov.in~~ entitled to.

7.The learned counsel for the respondents/Transport



Corporation says that against certain employees, there are recoveries from them. So, the above payment may be made subject to recoveries, if any from the employees. The petitioners are also agreeable for the same.

8. With the above direction, the writ petitions stand disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The Managing Director,
Tamil Nadu State Transport Corporation
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37, Mettupalayam Road, Coimbatore - 641 043.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Limited, Erode Region,
Sennimalai Salai, Erode District.

+3cc M/s.K.Samiya Singh, Advocate in SR.Nos.29473, 29744, 29745
+3cc to M/s. S.Royce Immanuel, Advocate in SR.Nos.29389, 29388,
29390

SDR/DB/22.06.2016/3P/9C

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