



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) .Nos.14679 to 14697 of 2016

T.S.PALANICHAMY	... Petitioner in WP(MD) . 14679/ 2016
K.THANGAVEL	... Petitioner in WP(MD) . 14680/ 2016
S.SAMBATHKUMAR	... Petitioner in WP(MD) . 14681/ 2016
A.SAKTHYVADIVELU	... Petitioner in WP(MD) . 14682/ 2016
P.PAULSAMY	... Petitioner in WP(MD) . 14683/ 2016
M.SIVASHANMUGAM	... Petitioner in WP(MD) . 14684/ 2016
A.RAJASEKARAN	... Petitioner in WP(MD) . 14685/ 2016
D.MURUGESAN	... Petitioner in WP(MD) . 14686/ 2016
V.RAJAMANI	... Petitioner in WP(MD) . 14687/ 2016
S.SAKTHIVADIVEL	... Petitioner in WP(MD) . 14688/ 2016
G.MAHAVISHNU	... Petitioner in WP(MD) . 14689/ 2016
M.ABUDAHIR	... Petitioner in WP(MD) . 14690/ 2016
E.VENKATESAN	... Petitioner in WP(MD) . 14691/ 2016
K.THANGAVEL	... Petitioner in WP(MD) . 14692/ 2016
K.VIJAYAKUMAR	... Petitioner in WP(MD) . 14693/ 2016
P.KANAGARAJ	... Petitioner in WP(MD) . 14694/ 2016
M.GANESAN	... Petitioner in WP(MD) . 14695/ 2016
R.MURUGESAN	... Petitioner in WP(MD) . 14696/ 2016
P.VADIVEL	... Petitioner in WP(MD) . 14697/ 2016

- Vs. -

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION,
COIMBAOTRE LIMITED,
37, METTUPALAYAM ROAD,
COIMBATORE 641 043 ... SOLE RESPONDENT IN WP(MD)NOS.14688,
14697 OF 2016
- 2 THE GENERAL MANAGER,
TAMILNADU STATE TRANSPORT CORPORATION,
COIMBATORE LIMITED, ERODE REGION,
SENNIMALAI SALAI,
ERODE DISTRICT. ...RESPONDENTS 1 & 2 IN WP(MD).14679 TO
14687 OF 2016 AND 14689 TO 14696 OF 2016

Prayer in W.P.No.14679 TO 14681,14684 and 14697 OF 2016: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 18.07.2016.

Prayer in WP(MD). 14682 AND 14688 OF 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondent to pay the retirement benefits with interest to the petitioner in view of the representation dated 19.07.2016.

Prayer in WP(MD). 14683/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 20.07.2016.

Prayer in WP(MD). 14685 and 14695/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 02.08.2016.

Prayer in WP(MD). 14686/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 05.08.2016.

Prayer in WP(MD). 14687/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 22.07.2016.

Prayer in WP(MD). 14689/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 04.07.2016.

Prayer in WP(MD). 14690 and 14691 and 14693/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 04.08.2016.

Prayer in WP(MD). 14692/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 13.07.2016.

Prayer in WP(MD). 14694/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 15.07.2016.

Prayer in WP(MD). 14696/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to pay the retirement benefits with interest to the petitioner in view of the representation dated 25.07.2016.

For petitioner : M/S.S.Royce Emmanuel
For Respondents : Mr.K.Sathiyasingh

C O M M O N O R D E R

These petitioners were employees of the respondents Transport Corporation. Seeking their retirement benefits, they have filed the present Writ Petitions.

2. When these 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.

3. For ready reference, the judgment, dated 12.06.2015, passed by the Hon'ble Division Bench in W.A.(MD).Nos.383 to 457 of 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 <https://hcservices.pwvts.gov.in/hcservices/> **S. P. JAIN & ORS. 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"

4. 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 1st October, 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 would be 18% for the delayed period.

5. The aforesaid direction to settle the terminal benefits would not preclude the workman 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, if they are entitled to.

6. The learned counsel for the respondents/Transport Corporation says that against certain employees, there are recoveries pending. So, the above payment may be made subject to recoveries, if any, from the employees. The petitioners are also agreeable for the same.

7. With the above direction, these writ petitions are disposed of. No costs.

Sd/
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar.

+19CC to M/S.S.Royce Emmanuel, Advocate, SR.No. 47137 to 47155

+19CC to M/S.K.Sathiya Singh, Advocate, SR.No. 43894, 43897 to

43900, 43904 to 43916

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24.08.2016