



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2016

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) Nos.8455 to 8466 of 2016

R.SAKTHIVEL	... PETITIONER IN WP (MD) No.8455/2016
S.SALMA	... PETITIONER IN WP (MD) No.8456/2016
A.THIRUVARANGAM	... PETITIONER IN WP (MD) No.8457/2016
S.DHANDAPANI	... PETITIONER IN WP (MD) No.8458/2016
K.P.VARADHARAGAVAN	... PETITIONER IN WP (MD) No.8459/2016
A.SELVARAJ	... PETITIONER IN WP (MD) No.8460/2016
V.RAJANBABU	... PETITIONER IN WP (MD) No.8461/2016
N.SWAMINATHAN	... PETITIONER IN WP (MD) No.8462/2016
A.SHANMUGASUNDARAM	... PETITIONER IN WP (MD) No.8463/2016
S.MURUGAN	... PETITIONER IN WP (MD) No.8464/2016
D.POOSAIPANDIAN	... PETITIONER IN WP (MD) No.8465/2016
M.MAHARAJAN	... PETITIONER IN WP (MD) No.8466/2016

-VS-

1 THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION,
(TIRUNELVELI) LIMITED,
TIRUNELVELI 627 003

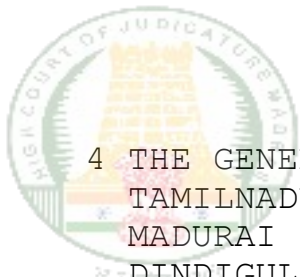
... 1st RESPONDENT IN
WP (MD) Nos.8455,8456,8457,8459,8461,
8462,8463,8464,8465 and 8466/16

2 THE ADMINISTRATOR,
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR ILLAM,
PALLAVANSALAI,
CHENNAI 600 002

... 2nd RESPONDENT IN
WP (MD) Nos.8455,8456,8457,8462,8464,
8465 and 8466/16 and
3rd RESPONDENT IN WP (MD) No.8460/16

3 THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION
MADURAI LIMITED
BYE PASS ROAD MADURAI 625 016

... 1st REPENDENT IN
WP (MD) Nos.8458, 8460/16



4 THE GENERAL MANAGER,
TAMILNADU STATE TRANSPORT CORPORATION
MADURAI LIMITED, DINDIGUL REGION,
DINDIGUL 624 004

... 2nd RESPONDENT IN
WP (MD) Nos.8458, 8460/16

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5 THE GENERAL MANAGER,
TAMILNADU STATE TRANSPORT CORPORATION
TIRUNELVELI LIMITED,
NAGERCOIL REGION,
RANITHOTTAM, NESAMANI NAGAR,
NAGERCOIL 629 001

...2nd RESPONDENT IN
WP (MD) Nos.8459, 8461/16

COMMON PRAYER: These Petitions are filed under Article 226 of the Constitution of India praying for 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 19.04.2016, 19.04.2016, 18/04/2016, 16/04/2016, 23/04/2016, 23/04/2016, 23/04/2016, 22/04/20016, 23/04/2016, 22/04/2016, 25/04/2016 and 23/04/2016 respectively

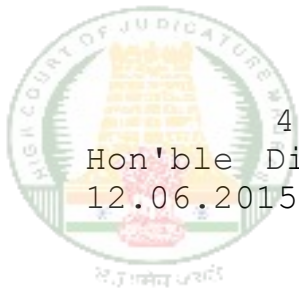
FOR PETITIONER : MR.S.ROYCE IMMANUEL IN ALL WPs
FOR RESPONDENTS : MR.K.SATHIYA SINGH IN ALL WPs

COMMON ORDER

The prayer in the writ petitions is for the issue of a writ of mandamus to direct the respondents to pay retirement benefits with interest to the petitioners.

2.It is stated that though the petitioners were allowed to retire from the service of the respondents, till date the respondent Corporation has not settled the retirement benefits. Hence, they have given representations to settle the entire terminal benefits along with interest for the belated payment. As there was no response to the said representations, the petitioners have come up with the above writ petitions.

3.When the matter is taken up for hearing, Mr.K.Sathiyasingh, learned Standing Counsel appearing for the respondents has submitted that the issue is covered by a judgment, passed by the Honourable Division Bench 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 as follows:

"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 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 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 installments commencing from 10th June 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 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.

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

Sd/-

Assistant Registrar (Records)



To

1 THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION,
(TIRUNELVELI) LIMITED,
TIRUNELVELI 627 003

2 THE ADMINISTRATOR,
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST,
THIRUVALLUVAR ILLAM,
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MADURAI LIMITED, DINDIGUL REGION,
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TAMILNADU STATE TRANSPORT CORPORATION
TIRUNELVELI LIMITED,
NAGERCOIL REGION,
RANITHOTTAM, NESAMANI NAGAR,
NAGERCOIL 629 001

+ 12 CC TO M/S.S.ROYCE IMMANUEL,ADVOCATE IN SR Nos. 24916 TO 24927
+ 10 CC TO MR.K.SATHIYA SINGH, ADVOCATE IN SR Nos.24905 to 24909
and 24911 to 24915

SMS

TE : 17/05/2016 : 4P/28C

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