

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.9343 and 9344 of 2017

M. Rajendran .. Petitioner in W.P.No.9343 of 2017
D. Parthasarathy .. Petitioner in W.P.No.9344 of 2017

-vs-

1. The Principal Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009 ..
2. The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai
Chennai 600 002 ..
3. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai
Chennai 600 002 .. Respondents 1 to 3 in both the
writ petitions

W.P.No.9343 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus or any other Writ or Direction directing the 2nd and 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.4,82,600/-, Pension Commutation Amount of Rs.2,96,400/-, and the total comes to Rs.7,79,000/- (Rupees Seven Lakhs and Seventy nine Thousand only) with 18% interest on delayed payment to the petitioner the Special Grade Material Handler, Staff No.A09035 who has voluntarily retired from service on 31.12.2013.

W.P.No.9344 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus or any other Writ or Direction directing the 2nd and 3rd respondents to disburse the retirement benefits, viz.,

Earned Leave Surrender Salary Amount of Rs.4,38,700/-, Pension Commutation Amount of Rs.2,60,300/-, Settlement Arrears amount of Rs.58,000/- and Difference in Gratuity payment of Rs.2,10,000/- and the total comes to Rs.9,67,000/- (Rupees Nine Lakhs Sixty Seven Thousand only) with 18% interest on delayed payment to the petitioner the Special Grade Material Handler, Staff No.A00098 who has retired from service on 30.04.2014.

For Petitioners :: Mr.D.Veerasekaran

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.P. Paramasivados for R2 & R3

ORDER

The petitioner in W.P.No.9343 of 2017 joined as Material Handler on 15.09.1980 in the erstwhile Pallavan Transport Corporation Limited and after amalgamation with Ambedkar Transport Corporation Limited, the Corporation was renamed as Metropolitan Transport Corporation (Chennai) Limited. The petitioner got the benefit of upgradation as Special Grade Material Handler on 01.11.2012. After completion of 33 years of service, he voluntarily retired from service on 31.12.2013. His terminal benefits have not been settled to an amount of Rs.7,79,000/-. Similarly, the petitioner in W.P.No.9344 of 2017 joined as Material Handler on 08.08.1981 in the very same Corporation and subsequently got the benefit of upgradation as Special Grade Material Handler on 01.02.2013. After completion of 33 years of service, he retired from service on 30.04.2014. As the terminal benefits to the tune of Rs.9,67,000/- have not been settled, he has come to this Court. Hence, these writ petitions are taken up together and disposed of by this order.

2. The learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retiral benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions also.

3. This Court, recording the statement made by the learned standing counsel for the respondent Corporation, taking note of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others) directing the respondents to settle all the retirement benefits in twelve

equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement benefits due and payable to the petitioners through twelve equal monthly instalments carrying interest of 6% p.a. The instalments should commence from July, 2017 and each of the instalments should be paid on or before 7th of each month. In case of any delay in 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 petitioners for such non-payment of the instalments. With this direction, these writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv/ss

To

1. The Principal Secretary to Government
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai
Chennai 600 002
3. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+2cc to Mr.D.Veerasekaran, Advocate, S.R.No.23509
+1cc to the Government Pleader, S.R.No.23833

W.P.Nos.9343 and 9344 of 2017

NR(CO)
RS(09/05/2017)