

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.9479 to 9482 of 2017

D.Mohan .. Petitioner in W.P.No.9479 of 2017
V. Viswanathan .. Petitioner in W.P.No.9480 of 2017
P.Purushothaman .. Petitioner in W.P.No.9481 of 2017
V. Narayanasamy .. Petitioner in W.P.No.9482 of 2017

-vs-

1. The Principal Secretary to Government,
Transport Department,
Fort St.George,
Chennai 600 009 ..1st Respondent in all the writ petitions
2. The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai .. 2nd Respondent in W.P.Nos.9479, 9480 &
Chennai 600 002 .. 9481 of 2017
3. The Managing Director
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu
Valuthareddy Post
Villupuram 605 602.. 2nd Respondent in W.P.No.9482 of 2017
4. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai .. 3rd Respondent in W.P.No.9480
Chennai 600 002 .. of 2017

W.P.No.9479 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 respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.2,72,000/- i.e., total Rs.2,72,000/- (Rupees Two Lakhs Seventy Two Thousand only) with 18% interest on delayed payment to the petitioner the Special Grade Driver who has retired from service on 30.06.2013.

W.P.No.9480 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 & 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.1,02,000/-, Pension Commutation Amount of Rs.3,28,200/-, Settlement Arrears amount of Rs.15,700/- and IRT Contribution amount of Rs.4,600/- and Difference in Gratuity payment of Rs.25,000/- and the total comes to Rs.4,75,500/- (Rupees Four Lakhs Seventy Five Thousand Five Hundred only) with 18% interest on delayed payment to the petitioner the Foreman Staff No.TO8289 who has retired from service on 31.01.2016.

W.P.No.9481 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 respondent to disburse the retirement benefits, viz., Earned Leave Surrender Salary amount of Rs.4,73,800/-, Social Security Scheme Fund amount of Rs.20,000/-, IRT Contribution amount of Rs.4,600/- and the total comes to Rs.4,98,400/- (Rupees Four Lakhs Ninety Eight Thousand Four Hundred only) with 18% interest on delayed payment to the petitioner the Special Grade Store Attender Staff No.A07038 who has retired from service on 30.11.2016.

W.P.No.9482 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 respondent to disburse the retirement benefits, viz., Gratuity amount of Rs.4,30,000/-, (Rupees Four Lakhs and Thirty Thousand only) with 18% interest on delayed payment to the petitioner the Special Grade Conductor Staff No.CR08689, who has retired from service on 30.04.2013.

For Petitioners:: Mr.D.Veerasekaran

For Respondents:: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.P.Kannankumar for R2

ORDER

The petitioner in W.P.No.9479 of 2017 joined as Driver on 01.02.1985 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 Driver on 01.06.2009. After completion of 28 years of service, he retired from service on 30.06.2013. His terminal benefits have not been settled to an amount of Rs.2,72,000/-. Similarly, the petitioner in W.P.No.9480 of 2017 joined as Cleaner Auto on 10.06.1982 in the very same Corporation and subsequently got the benefit of upgradation as Foreman on 01.05.2015. After completion of 33 years of service, he retired from service on 31.01.2016. His

grievance is that the terminal benefits to the tune of Rs.4,75,500/- have not been settled. The petitioner in W.P.No.9481 of 2017 also joined as Store Attender on 10.08.1981 in the very same Corporation and subsequently got the benefit of upgradation as Special Grade Store Attender on 01.02.2016 and after completion of 35 years of service, he retired on 30.11.2016. His grievance is that the terminal benefits to the tune of Rs.4,98,400/- have not been settled. The petitioner in W.P.No.9482 of 2017 also joined as Conductor on 23.10.1985 in the erstwhile Pattukottai Azagiri Transport Corporation and after amalgamation with Thanthai Periyar Transport Corporation Limited, the Corporation was renamed as Tamil Nadu State Transport Corporation (VPM) Limited and subsequently got the benefit of upgradation as Special Grade Conductor on 01.10.2009 and after completion of 28 years of service, he retired on 30.04.2013. As his terminal benefits to the tune of Rs.4,30,000/- 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/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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 Managing Director
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu
Valuthareddy Post
Villupuram 605 602

4. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+1 cc to Mr.P.Antony Arokiyarajan,advocate,sr.23930

+4 cc's to Mr.P.Kannankumar,advocate,sr.24582

+4 cc's to Mr.D.Veerasekaran,advocate,sr.23510, 23511 to 23513.

+1 cc to Govt.Pleader,sr.33835.

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W.P.Nos.9479 to 9482 of 2017

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