

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.9651 to 9658 of 2017

D.Boopathy .. Petitioner in WP 9651 of 2017
P.Kulandaivel .. Petitioner in WP 9652 of 2017
D.Saravanan .. Petitioner in WP 9653 of 2017
K.Muniammal .. Petitioner in WP 9654 of 2017
P.Santhiya .. Petitioner in WP 9655 of 2017
C.Sundaram .. Petitioner in WP 9656 of 2017
G.Sampoornam .. Petitioner in WP 9657 of 2017
M.Raju .. Petitioner in WP 9658 of 2017

-Vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Region,
No.12, Ramakrishna Road
Post Box No.713
Salem 636 007

2. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Salem Region
No.12, Ramakrishna Road
Post Box No.713
Salem 636 007

Respondents 1 & 2 in WP Nos.9651
.. to 9656 & 9658 of 2017

3. The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region
Dharmapuri

.. 2nd respondent in WP 9657 of 2017

4. The Administrator

Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai
Chennai 600 002

.. 3rd respondent in W.P.Nos.9656 to
9658 of 2017

W.P.No.9651 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9652 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Earned Leave, b. Medical Leave & old Medical Leave and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9653 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Earned Leavem b. Medical Leave & Old Medical Leave and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9654 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave, c. Medical Leave & Old Medical Leave, d. Institute of Road and Transport Technology (IRTT) Fund, e. Employees Retirement Benefits Scheme (ERBS) and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9655 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave, c. Medical Leave & Old Medical Leave, d. Monthly Pension arrears, e. Dearness Allowance, f. Institute of Road and Transport Technology (IRTT) Fund, g. Employees Retirement Benefit Scheme (ERBS) and other retrial benefits

payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9656 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave, c. Medical Leave & Old Medical Leave, d. Provident Fund, e. Institute of Road and Transport Technology (IRTT) Fund, f. Employees Retirement Benefit Scheme (ERBS) and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9657 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave, c. Medical Leave & Old Medical Leave, d. Monthly Pension arrears, e. Dearness Allowance, f. Provident Fund, g. Institute of Road and Transport Technology (IRTT) Fund, h. Employees Retirement Benefit Scheme (ERBS) and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

W.P.No.9658 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to settle the a. Payment of Gratuity, b. Earned Leave, c. Medical Leave & Old Medical Leave, d. Provident Fund, e. Employees Retirement Benefit Scheme (ERBS) and other retrial benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Hon'ble Court.

For Petitioners :: Mr.N.Sudhager Nagaraj
For Respondents :: Mr.P.Paramasivadoss

ORDER

The petitioners in W.P.Nos.9651 to 9654, 9656 & 9658, having retired from service as Selection Grade Senior Conductor/Senior Driving Instructor/Canteen Helper/Selection Grade Senior Driver/Selection Grade Driver in the respondent Corporation on 30.6.2015, 30.4.2012, 30.6.2011, 30.6.2013, 28.2.2017, 30.11.2016 respectively, have filed these writ petitions seeking a direction to the respondent to settle the terminal benefits payable to them, as prayed for in the petitions, with reasonable rate of interest per annum, by considering their representations dated 14.2.2017 & 3.4.2017 respectively. Similarly, the petitioner in W.P.No.9655 of 2017,

being the legal heir of the deceased employee Mr.P.Govindarajan, has filed the said writ petition seeking the retirement benefits due to her husband as prayed for in the writ petition on the ground that her husband, while serving as Driver in the respondent Corporation, died on 14.10.2013. Likewise the petitioner in W.P.No.9657 of 2017, being the legal heir of the deceased employee Mr.K.Govindaraju, has filed the said writ petition seeking the retirement benefits due to her husband as prayed for in the writ petition on the ground that her husband, while serving as Selection Grade Senior Driver in the respondent Corporation, died on 15.12.2015.

2. Mr.P.Paramasivadosh 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 retirement 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 Transport 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 viz., the retired employees or the legal heir of the deceased, as the case may be, through twelve equal monthly instalments carrying interest of 6% p.a., by considering their representations. 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, the writ petitions are disposed of accordingly. No costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Managing Director
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No.12, Ramakrishna Road
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Tamil Nadu State Transport
Corporation Employees
Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai
Chennai 600 002

+8 cc to Mr.N.Sudhagar Nagaraj, Advocate SR.No.25112

SDR 17.05.2017

W.P.Nos.9651 to 9658 of 2017

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