

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.988 & 989 of 2017

B.Sannan .. Petitioner in W.P.No.988 of 2017

N.Kamaraj .. Petitioner in W.P.No.989 of 2017

-vs-

1. The Government of Tamil Nadu  
rep.by its Principal Secretary  
Transport Department  
Secretariat, Fort St.George  
Chennai 600 009 ..1<sup>st</sup> Respondent in both the writ petitions
2. The Manging Director  
Tamil Nadu State Transport  
Corporation (CBE) Ltd.,  
Head Office  
No.37, Mettupalayam Road  
Coimbatore 641 043 ..2<sup>nd</sup> Respondent in W.P.No.988 of 2017
3. The Managing Director  
Tamil Nadu State Transport  
Corporation (VPM) Limited  
3/137 Salamedu  
Valuthareddy Post  
Villupuram 605 602 ..2<sup>nd</sup> Respondent in W.P.No.989 of 2017
4. The Administrator  
Tamil Nadu State Transport  
Corporation Pension Fund Trust  
Thiruvalluvar House, Pallavan Salai  
Chennai 600 002 ... 3<sup>rd</sup> Respondent in W.P.No.989 of 2017

W.P.No.988 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 retirement benefits payable to the petitioner, namely, Gratuity, Encashment of Leave Salary (EL), pending in service Leave salary for 45 days, Provident Fund, Social Security Scheme, Settlement Arrears

and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.989 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 retirement benefits payable to the petitioner, namely, Gratuity, Commutation of Pension, Encashment of Leave Salary (EL), Subscription amount of Engineering College and Medical College, Pension DA arrears, DA arrears, Settlement arrears, Retirement Benefits Scheme after having taking into account the enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.01.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioners:: Mr.V.S.Jagadeesan in both the petitions

For Respondents:: Mr.K.Venkataramani  
Additional Advocate General  
assisted by Mr.K.Dhananjayan  
Special Government Pleader for  
the State for R1 in both Wps. &  
and Mr.P.Kannankumar for the  
Transport Corporation in both  
the petitions

सत्यमेव जयते  
ORDER

The petitioners, having retired from service as Drivers in the respondent Corporation on 30.6.2015 & 30.1.2016 respectively, have filed these writ petitions seeking a direction to the respondents to settle all the retiral benefits payable to them, namely, Gratuity, Encashment of Leave Salary, pending in service Leave salary for 45 days, Provident Fund, Social Security Scheme, Settlement Arrears, etc., with interest at 18% per annum.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.K.Dhananjayan, learned Special Government Pleader for the State and Mr.P.Kannankumar, 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 Additional Advocate General for the respondents, 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 June, 2017 and each of the instalments should be paid on or before 7<sup>th</sup> 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 //

सत्यमेव जयते

Sub Assistant Registrar

To

1. The Principal Secretary to Government  
Transport Department  
Secretariat, Fort St.George  
Chennai 600 009

WEB COPY

2. The Managing Director  
Tamil Nadu State Transport  
Corporation (CBE) Ltd.,  
Head Office  
No.37, Mettupalayam Road  
Coimbatore 641 043

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

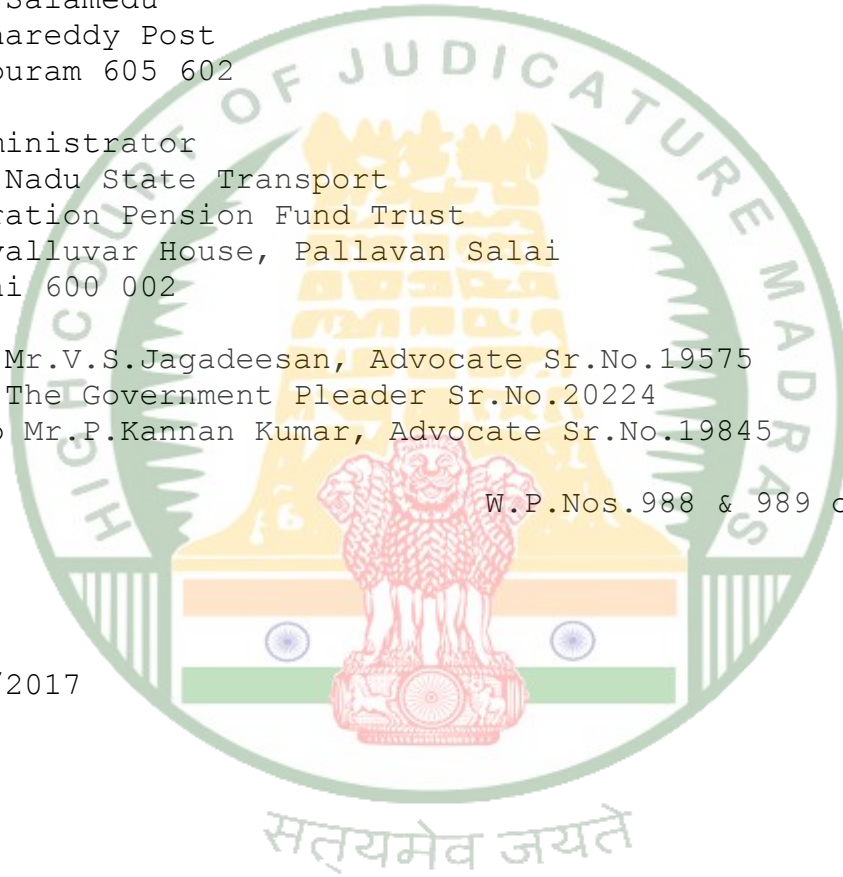
4. The Administrator  
Tamil Nadu State Transport  
Corporation Pension Fund Trust  
Thiruvalluvar House, Pallavan Salai  
Chennai 600 002

+ 2 cc to Mr.V.S.Jagadeesan, Advocate Sr.No.19575  
+ 1 cc to The Government Pleader Sr.No.20224  
+ 3 ccs to Mr.P.Kannan Kumar, Advocate Sr.No.19845

W.P.Nos.988 & 989 of 2017

VGI (CO)

RRI 21/04/2017



WEB COPY