

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.2051 and 2052 of 2017

S.Balaiyan ... Petitioner in W.P.No.2051/17
K.Raji ... Petitioner in W.P.No.2052/17

-vs-

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
- 2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri.
- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ...Respondents in both WPs

Prayer in W.P.No.2051/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Pension Arrears, Surrender Leave (EL & ML), DA arrears and RBS arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.01.2016 to till date of actual payment to the petitioner within a time frame.

Prayer in W.P.No.2052/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Pension

Arrears, Surrender Leave (EL & ML), DA arrears and RBS arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.12.2015 to till date of actual payment to the petitioner within a time frame.

For Petitioners :: Mr.Durai Gunasekaran

For Respondents :: Mr.R.K.Gandhi

COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the respondents to settle their retirement benefits i.e Provident Fund, Gratuity, Earned Leave, etc.

2. Heard the learned counsel for the petitioners. Mr.R.K.Gandhi, learned counsel takes notice on behalf of the respondent.

3. Since the issues involved in both these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.2051 of 2017 are stated below:

The petitioner joined as Conductor on 06.08.1991 in the respondent Corporation and after rendering 25 years of unblemished service, retired from service on 31.01.2016 on attaining the age of superannuation.

4. Now, the only grievance of the petitioners is that their retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

5. Since the issue is squarely covered by the various orders passed by this Court, in the light 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), these writ petitions are disposed of with a direction to the respondent to settle the entire

terminal 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 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. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
- 2.The General Manager,
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(Salem) Limited,
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- 3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+2cc to M/S.Durai Gunasekaran, Advocate Sr.21058, 21059
+2cc to M/S.R.K.Gandhi, Advocate Sr.20774,20776

W.P.Nos.2051 and 2052 of 2017

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