

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1133 to 1138 of 2017

T.Kalirethinam .. Petitioner in W.P.No.1133 of 2017
A.Krishnamoorthy .. Petitioner in W.P.No.1134 of 2017
H.S.Moinuddin .. Petitioner in W.P.No.1135 of 2017
T.Natarajan .. Petitioner in W.P.No.1136 of 2017
P.Lakshmi .. Petitioner in W.P.No.1137 of 2017
A.Kumarasamy .. Petitioner in W.P.No.1138 of 2017

-vs-

M/s State Express Transport
Corporation Ltd.,
rep.by its Managing Director
No.2, Pallavan Salai
Chennai 600 002 .. Respondent in all the writ
petitions

W.P.No.1133 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Rs.3,64,499/-, surrender of earned leave 7.5 days amount of Rs.9,000/- Social Security Scheme amount of Rs.35,000/- and Erode Engineering College and Perundurai Medical College refund amount of Rs.4,500/- and altogether a sum of Rs.4,12,999/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 07.12.2016.

W.P.No.1134 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner of difference in gratuity amount of Rs. 19,000/-, Surrender of earned leave 64 days and Medical leave 17.5 days amount of Rs.1,08,667/-, Social Security Scheme amount of Rs.35,000/- and Erode Engineering College and Perundurai Medical College refund amount of Rs.4,500/- and commutation amount Rs.3,50,000/- altogether a sum of Rs.5,17,167/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 27.12.2016.

W.P.No.1135 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner surrender of Earned Leave 173 days amount of Rs.1,32,633/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 29.12.2016.

W.P.No.1136 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Rs.5,16,984/-, surrender of earned leave 122.5 days and Medical Leave 104.5 days amount of Rs.2,42,133/- Social Security Scheme amount of Rs.35,000/- and Erode Engineering College and Perundurai Medical College refund amount of Rs.4,500/- and commutation amount Rs.3,50,000/-, altogether a sum of Rs.11,48,617/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 22.12.2016.

W.P.No.1137 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner of Surrender of earned leave and Medical Leave of 323.5 days amount of Rs.3,23,500/-, Social Security Scheme amount of Rs.35,000 / - and 6% interest from 01.11.2012 to 30.06.2016 for belated payment of Rs.2,00,000/- towards Provident fund amount of Rs.48,000/- altogether a sum of Rs.4,01,500/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 08.12.2016.

W.P.No.1138 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner of Provident Fund Rs.1,56,014/-, Surrender of earned leave 232 days and Medical leave 11 days amount of Rs.2,69,163/-, Social Security Scheme amount of Rs.30,000/- and Erode Engineering College and Perundurai Medical College refund amount of Rs.4,500/- altogether a sum of Rs.4,59,677/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 05.12.2016.

For Petitioners:: Mr.D.Soundarraaj

For Respondent:: Mr.K.Venkataramani
Additional Advocate General
assisted by Mr.P.Kannankumar
for the Transport Corporation

ORDER

The petitioners, having retired from service as Senior Conductor/Driving Instructor/Senior Tradesman/Senior Driver/Senior Record Clerk/Checking Inspector in the respondent Corporation on 30.6.2015, 31.10.2015, 31.07.2011, 30.9.2014, 31.10.2012, 31.07.2014 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 interest at 6% per annum, by considering their representations dated 7.12.2016, 27.12.2016, 29.12.2016, 22.12.2016, 8.12.2016 & 5.12.2016.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by 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 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 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 respondent to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondent to settle the entire retirement benefits due and payable to the petitioners through twelve equal monthly instalments carrying interest of 6% p.a., by considering their representations. 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. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

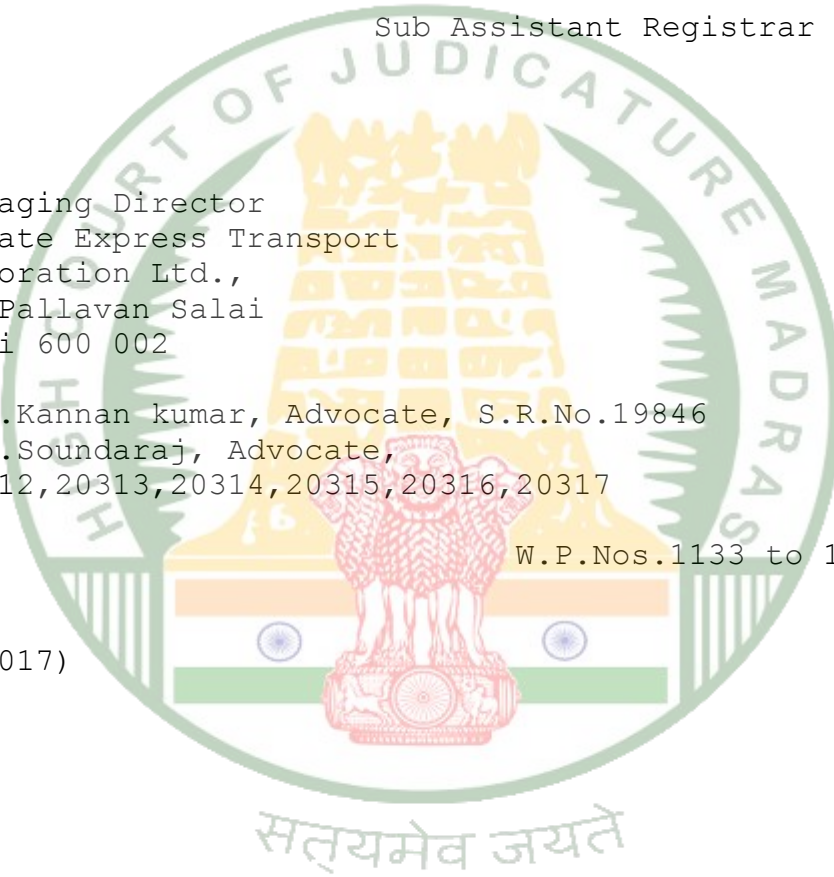
1. The Managing Director
M/s State Express Transport
Corporation Ltd.,
No.2, Pallavan Salai
Chennai 600 002

+6cc to Mr.Kannan kumar, Advocate, S.R.No.19846

+6cc to Mr.Soundaraj, Advocate,
S.R.No.20312,20313,20314,20315,20316,20317

W.P.Nos.1133 to 1138 of 2017

NMI (CO)
RS (19/04/2017)



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