

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. Nos.12089 to 12096 of 2017

R.R.Gunasekaran .. Petitioner in WP.12089/17
J.Deenadayalan .. Petitioner in WP.12090/17
Guruperiyasaamy .. Petitioner in WP.12091/17
G.Rajendran .. Petitioner in WP.12092/17
G.Pakkirisamy .. Petitioner in WP.12093/17
V.Manickavel .. Petitioner in WP.12094/17
P.Ramamurthy .. Petitioner in WP.12095/17
B.Anandan .. Petitioner in WP.12096/17

Vs.

M/s.State Express Transport Corporation Ltd.,
Rep.by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002. .. Respondent in all WP's

PRAYER in W.P.No.12089 of 2017 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner surrender of earned leave of 182.5 day and medical leave of 60.5 days amount of Rs.2,02,500/-, 80% dearness allowance to be fixed from 01.05.2013 and revised pension to be paid and other consequential benefits with interest at the rate of 6% per annum by considering the representation of the petitioner dated 03.04.2017.

W.P.No.12090 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ, Directing the respondent to settle the terminal benefits of the petitioner Surrender of Earned Leave of 148 days and Medical Leave of 154.5 days amount Rs 2 21 833/- by considering the representation of the petitioner dated 24.3.2017.

W.P.No.12091 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ, Directing the respondent to settle the

terminal benefits of the petitioner Surrender of Earned Leave of 49.5 days and Medical leave of 85.5 days amount of Rs.1 44 400/- Social Security Scheme amount of Rs.31 642/- interest for delayed payment of 33 months Provident Fund and interest for delayed payment of 19 months of Commutation and altogether a sum of Rs.1 75 642/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 3.4.2017.

W.P.No.12092 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ, Directing the respondent to settle the terminal benefits of the petitioner Gratuity amount of Rs.9 00 000/- Surrender of Earned Leave of 1.5 days amount of Rs.6 000/- and Social Security Scheme amount of Rs.35 000/- Erode Engineering College and Perundurai Medical College amount of Rs.4 500/- and altogether a sum of Rs.9 45 500/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 24.3.2017

W.P.No.12093 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ, directing the respondent to settle the terminal benefits to the petitioner Gratuity amount of Rs.9 00 000/- Surrender of Earned Leave of 117 days and medical leave of 10.5 days amount of Rs.1 78 500/- Social Security Scheme amount of Rs.30 000/- Erode Engineering College and Perundurai Medical College amount of Rs.4 500/- a sum of Rs.1000/- per month from 1.1.2017 to 28.2.2017 towards post Retirement Benefit Fund amount of Rs.2000/- and altogether a sum of Rs.11 15 000/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 3.4.2017

W.P.No.12094 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ directing the respondent to settle the terminal benefits to the petitioner Surrender of Earned Leave of 62.5 days and medical leave of 36.5 days amount of Rs.85 800/- Social Security Scheme amount of Rs.30 000/- Erode Engineering College and Perundurai Medical College amount of Rs.4 500/- and altogether a sum of Rs.1 20 300/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 3.4.2017.

W.P.No.12095 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ directing the respondent to settle the terminal benefits to the petitioner Provident Fund amount of Rs.4 00 000/- Surrender of Earned Leave of 61 days and medical leave of 3.5 days amount of Rs.73 100/- Social Security Scheme amount of Rs.30 000/- Erode Engineering College and Perundurai Medical College amount of Rs.4 500/- a sum of Rs.1000/- per month from 1.7.2015 towards post Retirement Benefit Fund amount of Rs.20 000/- and altogether a sum of Rs.6 26 600/- with interest at the rate of 6% per annum by considering the representation

of the petitioner dated 3.4.2017

W.P.No.12096 of 2017 :

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other Writ or direction in the nature of Writ directing the respondent to settle the terminal benefits to the petitioner Provident fund amount of Rs.2 98 000/- Social Security Scheme Amount of Rs.30 000/- Commutation amount of Rs.1 20 000/- Surrender of Earned Leave of 69 days amount of Rs.64 400/- fixation of salary with effect from 1.9.2013 as per wage settlement and revision of dearness allowance from 100% to 132% and refixation of pension and other consequential benefits with arrears and altogether a sum of Rs.5 12 400/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 27.3.2017.

For Petitioner : Mr.D.Soundar Raj
[in all W.Ps]

For Respondent : Mr.P.Kannan Kumar
[in all W.Ps] Standing Counsel

C O M M O N O R D E R

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the services of the Transport Corporation and they retired from service long back. The grievance of the petitioners is that though, they retired from service long back, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondent, would affirm that the issue involved in these

Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from first week of July 2017.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sri

To

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

+lcc to Mr.D.Soundarraaj, Advocate, S.R.No.40008
+lcc to Mr.P.Kannan Kumar, Advocate, S.R.No.40253

W.P. Nos.12089 to 12096 of 2017

BR(CO)
RS(21/06/2017)



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