

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. Nos.12141 to 12147 of 2017

J.Sudha .. Petitioner in
WP.No.12141/17
R.Somasundaran .. Petitioner in
WP.12142/17
K.Muthusamy ..Petitioner in
WP.12143/17
A.Balasubramanian .. Petitioner in
WP.12144/17
R.Jeevarathinam .. Petitioner in
WP.12145/17
A.Ramaiyan .. Petitioner in
WP.12146/17
S.Mohanraj .. Petitioner in
WP.12147/17

Vs.

The Management of
Tamilnadu State Transport
Corporation [Kovail] Ltd.,
Rep. by its Managing Director,
Coimbatore. ... Respondent

PRAYER in W.P.No.12141 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 pay the petitioner Rs.2,44,463/- towards encashment of 193 days of earned leave, 118 days of sick leave and 30 days of already surrendered earned leave and Rs.24,985/- towards balance of gratuity payable for the services her husband/deceased employee K.Jeyabalan, Staff No.84TH1/010715, together with 18% interest per annum, along with interest amount towards delayed payment of part of the gratuity amount Rs.2,99,236/- for the period from 09.07.2011 to 30.12.2013 at same within a time frame as may be fixed by this Court.

Prayer in WP.No.12142 of 2017:

It is prayed that this Hon'ble court may be pleased to issue appropriate writs orders or Directions and in particular issue a Writ of Mandamus directing the respondent to pay the petitioner of Rs. 6 84 695/- towards gratuity and Rs.3 41 521/- towards E.P.F. Employees Contribution together with 18% interest per annum within a time frame as may be fixed by its Honourable Court and thus render justice.

Prayer in WP.No.12143 of 2017:

For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue appropriate writs orders or directions and in particular issue Writ of Mandamus directing the respondent to pay the petitioner Rs.9 57 460 /- towards gratuity Rs.2 05 703/- towards E.P.F. Employees Contributions and Rs. 1 26 360 towards encashment of 21 days of Earned Leaves 15 days Sick Leaves and 45 days of Surrendered Earned Leaves together with 18% interest per annum within a time frame as may be fixed by this Honourable Court and thus render justice.

Prayer in WP.No.12144 of 2017:

For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue appropriate writs orders or directions and in particular issue Writ of Mandamus directing the respondent to pay the petitioner Rs.5 72 514 /- towards gratuity Rs.5 65 060/- towards E.P.F. Employees Contributions and Rs.1 64 752 towards encashment of 100.5 days of Earned Leaves and 30 days of Already Surrendered Earned Leaves together with 18% interest per annum within a time frame as may be fixed by its Honourable Court and thus render justice.

Prayer in WP.No.12145 of 2017:

For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue appropriate writs orders or directions and in particular issue Writ of Mandamus directing the respondent to pay the petitioner Rs3 22 971 /- towards gratuity Rs.2 03 861/- towards E.P.F. Employees Contributions and Rs.61 248 towards encashment of 60 days of Earned Leaves with 18% interest per annum within a time frame as may be fixed by its Honourable Court and thus render justice.

Prayer in WP.No.12145 of 2017:

For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue appropriate writs orders or directions and in particular issue Writ of Mandamus directing the respondent to pay the petitioner Rs.6 18 434 /- towards gratuity Rs.6 19 276/- towards E.P.F. Employees Contributions and Rs.8 863 towards encashment of 6.5 days of Earned Leaves together with 18% interest per annum within a time frame as may be fixed by its Honourable Court and thus render justice.

Prayer in WP.No.12145 of 2017:

For the reasons stated in the accompanying affidavit, it is prayed that his Hon'ble Court may be pleased to issue appropriate writs orders or directions and in particular issue Writ of Mandamus directing the respondent to pay the petitioner Rs. 6 70 085 /- towards gratuity Rs.8 06 991/- towards E.P.F. Employees Contributions and Rs.4 64 753 towards encashment of 240 days of Earned Leaves and 65 days Sick Leaves and 45 days of Already Surrendered Earned Leaves together with 18% interest per annum within a time frame as may be fixed by its Honourable Court and thus render justice.

For Petitioner : Mr.V.Ajoy Khose
[in W.P.No.12141 of 2017]
For Respondents : Mr.P.Kannan Kumar
[in W.P.No.12141 of 2017] 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 petitioner's husband, namely, K.Jeyabalan in W.P.No.12141 of 2017 and the petitioners in W.P.Nos.12142 to 12147 of 2017 joined the services of the Transport Corporation and K.Jeyabalan died in the year 2011 and other petitioners have retired from service in the year 2016. 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 respondents, 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//

sri

Sub Assistant Registrar

To

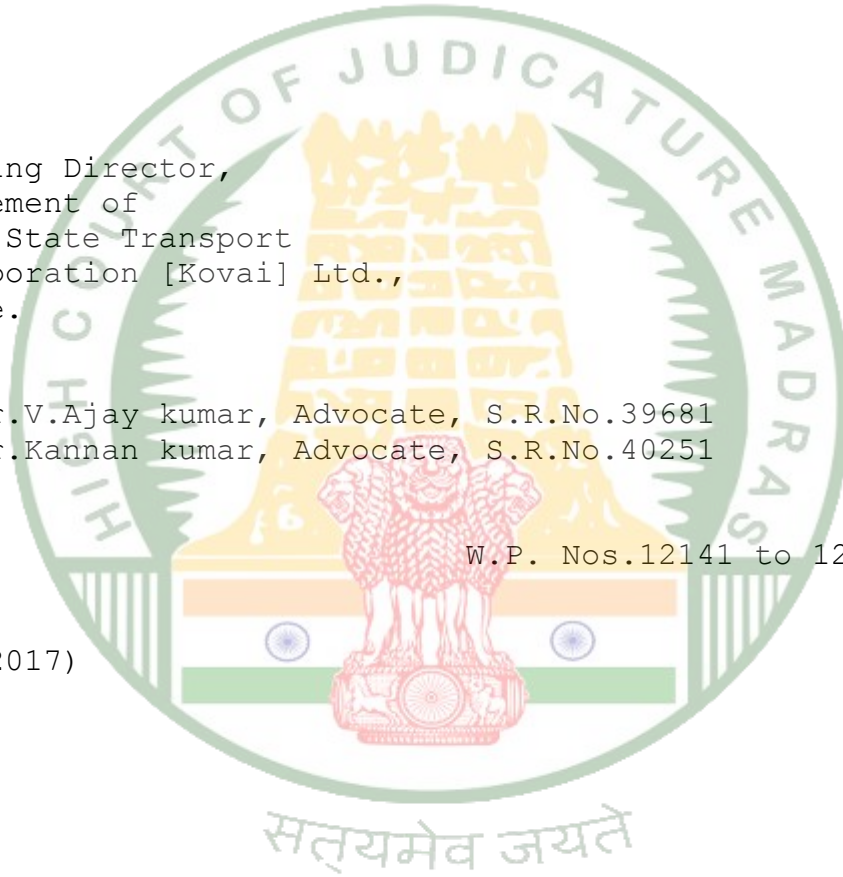
The Managing Director,
The Management of
Tamilnadu State Transport
Corporation [Kovail] Ltd.,
Coimbatore.

+7cc to Mr.V.Ajay kumar, Advocate, S.R.No.39681

+1cc to Mr.Kannan kumar, Advocate, S.R.No.40251

W.P. Nos.12141 to 12147 of 2017

NRI (CO)
RS (19/06/2017)



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