

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. Nos.12631 to 12637 of 2017

W.P.No.12631 of 2017 to 12637 of 2017

D.Ramalingam .. Petitioner in WP.No.12631/17
Mr.V.Gnanasekaran .. Petitioner in WP.No.12632/17
R.Lakshmi .. Petitioner in WP.No.12633/17
M.Elangovan .. Petitioner in WP.No.12634/17
S.Krishnan .. Petitioner in WP.No.12635/17
M.Raju .. Petitioner in WP.No.12636/17
P.Udayakumar .. Petitioner in WP.No.12637/17

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St.George, Chennai - 600 009. ...Respondents 1 & 2
in all WPs
- 2.The Managing Director,
State Express Transport Corporation
[TN] Ltd., Chennai - 600 002.
- 3.The Administrator,
Tamil Nadu State Transport Corporation
Retd. Employees Provident Fund,
Pallavan Salai, Chennai - 600 002. ... Respondent No.3 in
WP.No.12631/17

PRAYER in W.P.No.12631 of 2017 : Writ Petitions have been filed under Article 226 of the Constitution of India to issue Writ of Mandamus, to direct the second respondent to disburse the retirement benefits with interest as described in the petitioner's representation dated 22.12.2016, 26.12.2016, 23.12.2016.

For Petitioner : Mr.A.Murugan
in all WPs
For Respondent No.1 : Mr.T.M.Pappiah
in all WPs Special Government Pleader
For Respondent No.2 : Mr.P.Kannan Kumar
in all WPs 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 second 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 second 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(CS VIII)

//True Copy//

Sub Assistant Registrar

sri

WEB COPY

To

1.The Principal Secretary,
Government of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 600 009.

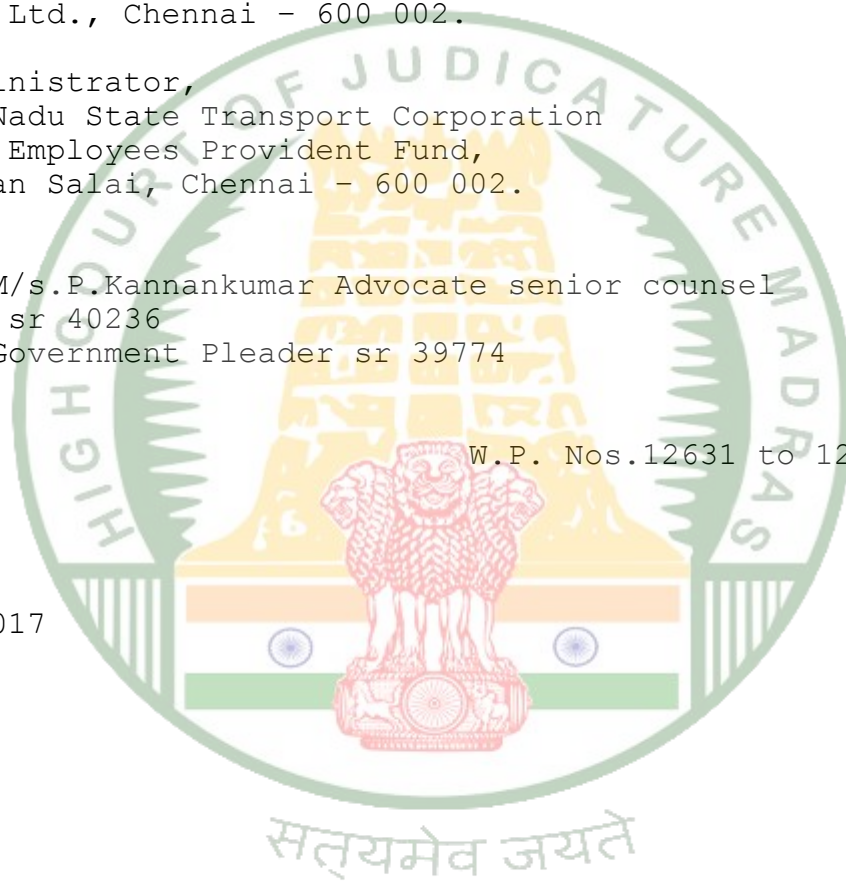
2.The Managing Director,
State Express Transport Corporation
[TN] Ltd., Chennai - 600 002.

3.The Administrator,
Tamil Nadu State Transport Corporation
Retd. Employees Provident Fund,
Pallavan Salai, Chennai - 600 002.

+1 cc to M/s.P.Kannankumar Advocate senior counsel
for TNSTC sr 40236
+1 cc to Government Pleader sr 39774

W.P. Nos.12631 to 12637 of 2017

kj(co)
aa20/06/2017



WEB COPY