

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.33126 and 33127 of 2017

G.Rajendran .. Petitioner in
W.P.No.33126/17

R.Teekaram .. Petitioner in
W.P.No.33127/17

-vs-

1.M/s. State Express Transport Corporation Ltd.,
Rep. By its Managing Director,
No.2, Pallavan Salai,
Chennai - 2. ... Respondent in WP.33126/17
and 2nd Respondent in
WP.No.33127/17

2.M/s.Tamil Nadu State Transport Corporation
Employees Provident Fund Trust,
Rep. By its Administrator,
No.2, Pallavan Salai,
Chennai - 2 ...1st Respondent in
W.P.No.33127/17

Prayer in W.P.No.33126/17: - Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to settle the amount towards leave on private affairs of Rs.1,50,000/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 01.11.2017.

Prayer in W.P.No.33127/17: - Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to recover the gratuity amount already paid to the petitioner in the cadre of tradesman and to credit the same in the gratuity account in the preseten cadre and to confer the consequential benefits in the light of the orders passed by the Division Bench of this Court in W.A.No.1059 of 2001, dated 27.01.2004 and in terms of Rule 36(2) and (3) of the Common Service Rule by considering the representation of the petitioner including the one dated 20.11.2017.

For Petitioners :: Mr.D.Soundar Raj
For Respondent :: Mr.Antony Arockiaraj

COMMON ORDER

The petitioners have filed these writ petitions seeking for issuance of a writ of mandamus directing the respondents to settle the petitioners' retirement benefits including leave salary, gratuity and all other attendant retirement benefits etc., with interest at the rate of 6% per annum payable from the date of their retirement

2. Heard the learned counsel for the petitioners. Mr.Antony Arockiaraj, learned counsel takes notice on behalf of the respondents.

3. Since the facts involved in both the writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.33126 of 2017 are stated below:

The petitioner joined as Junior Assistant on 05.03.1981 and thereafter, he retired from service on 31.03.2013 after rendering 32 years of unblemished service. Now, the grievance of the petitioners is that their retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

4. 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), this writ petitions are disposed of with a direction to the respondents 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 January, 2018, 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(CS VI)

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Sub Assistant Registrar

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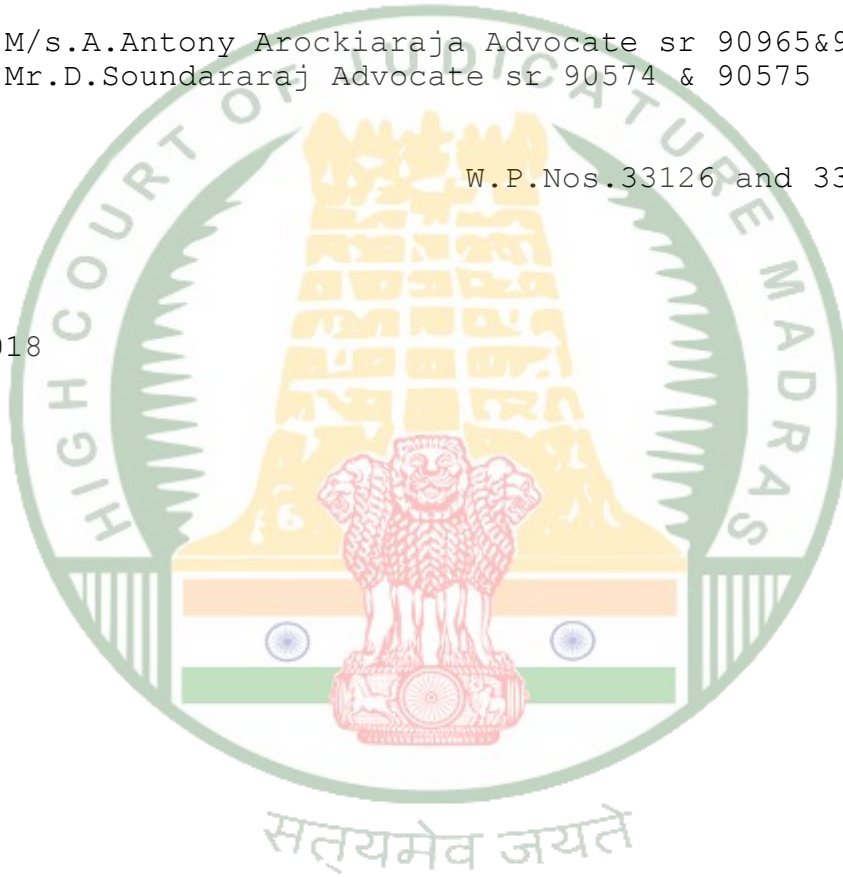
1.The Administrator
Tamil Nadu State Transport Corporation Employees
Provident Fund Trust
No.2 Pallavan Salai
Chennai-2

2.The Managing Director
State Express Transport Corporation Ltd
No.2 Pallavan Salai Chennai-2

+2 ccs to M/s.A.Antony Arockiaraja Advocate sr 90965&90966
+2 ccs to Mr.D.Soundararaj Advocate sr 90574 & 90575

W.P.Nos.33126 and 33127 of 2017

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