

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1391 to 1395 of 2017

S.Raju .. Petitioner in W.P.No.1391/17
V.Ramakrishnan .. Petitioner in W.P.No.1392/17
P.S.Balakrishnan .. Petitioner in W.P.No.1393/17
K.Sundarrajan .. Petitioner in W.P.No.1394/17
A.Subramanian .. Petitioner in W.P.No.1395/17

-vs-

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007. .. Respondent in all WPs

Prayer in W.P.No.1391/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave, Leave Surrender, IRT Share, ERBS and other benefits payable to the petitioner with interest at the rate of 18% from 01.10.2016 i.e., the date of retirement.

Prayer in W.P.No.1392/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, IRT, Labour Fund, Commutation, Family Welfare Fund, ERBS and other benefits payable to the petitioner with interest at the rate of 18% from 01.08.2014 and monthly pension i.e. from the date of retirement.

Prayer in W.P.No.1393/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, IRT, Labour Fund, Commutation, Family Welfare Fund, ERBS and other benefits payable to the petitioner with interest at the rate of 18% from 01.12.2014 and monthly pension i.e. from the date of retirement.

Prayer in W.P.No.1394/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pay the retirement benefits such as pension amount from 01.07.2013 to 31.12.2015, Earned Leave, IRT Share, Family Welfare fund, commutation and ERBS and other benefits payable to the petitioner with interest at the rate of 18% from 01.07.2013 ie. the date of retirement.

Prayer in W.P.No.1395/17:- Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave, Leave Surrender, IRT Share, ERBS and other benefits payable to the petitioner with interest at the rate of 18% from 01.02.2014 i.e, the date of retirement, and the pension amount from 01.02.2014 to 31.12.2015.

For Petitioners :: Mr.T.Jeevanantham

For Respondent :: Mr.R.K.Gandhi

COMMON ORDER

The petitioners have filed these writ petitions seeking a direction to the respondent to settle their retirement benefits i.e Provident Fund, Gratuity, Earned Leave, etc.

2. Heard the learned counsel for the petitioners. Mr.R.K.Gandhi, learned counsel takes notice on behalf of the respondent.

3. Since the issues involved in all these writ petitions are one and the same, they are disposed of by this common order. For better appreciation, facts involved in W.P.No.1391 of 2017 are stated below:

The petitioner joined as Trainee Conductor on 30.09.1981 and thereafter, he was promoted to the post of Foreman. After rendering 35 years of service, he retired from service on 30.09.2016 by attaining the age of superannuation. Now, the grievance of the petitioner is that his 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), these writ petitions are disposed of with a direction to the respondent 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 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. No costs.

-s/d-
Assistant Registrar(CSIII)

True Copy

Sub-Assistant Registrar

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To

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd.,
12, Ramakrishna Salai,
Salem - 636 007.

+2 cc to M/s.R.K.Gandhi Advocate sr 20771 & 12973

+1 cc to Mr.T.Jeevanantham Advocate sr 20087

W.P.Nos.1391 to 1395 of 2017

rk(co)
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