

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.26110 & 26111 of 2017

G.Uma .. Petitioner in W.P.No.26110 of 2017
S.Jayanthi .. Petitioner in W.P.No.26111 of 2017

-VS-

1. The State of Tamil Nadu
rep.by its Principal Secretary
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
Metropolitan Transport
Corporation (Tamil Nadu) Ltd.,
Chennai 600 002
3. The Administrator
Provident Fund Scheme
TNSTC, Pallavan Salai
Chennai 600 002 .. Respondents in both the W.Ps

Petitions under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
second respondent to disburse the retirement benefits with
interest as described in the petitioners representations dated
10.2.2017.

For Petitioners :: Mr.A.Murugan in both WPs

For Respondents :: Mr.K.Rajendraprasad
Government Advocate for R1
Mr.P.Kannankumar for R2 & 3
in both WPs

ORDER

The petitioners have come to this Court seeking a writ of mandamus, directing the second respondent to disburse the retirement benefits with interest on the basis of the representations dated 10.2.2017.

2. Mr.P.Kannankumar, learned standing counsel takes notice on behalf of the respondents 2 & 3. Mr.K.Rajendraprasad, learned Government Advocate takes notice on behalf of the first respondent.

3. The petitioners, having joined service in the second respondent Corporation as Helper and Record Clerk on 1.8.94 respectively, after discharging their service to the satisfaction of the higher officers, were promoted as Special Grade Helper and Senior Record Clerk and finally, on reaching the age of superannuation, they retired from service with effect from 31.3.2016 and 30.11.2014 respectively in the normal course. While so, the Managing Director of Metropolitan Transport Corporation (TN) Limited, Chennai, the second respondent herein, is bound to settle the retiral benefits such as leave salary, provident fund etc., totalling to a sum of Rs.14,42,923/- and 8,60,391/- respectively, with interest thereon. But, till date, the second respondent has not come forward to settle the same, in spite of the representations made by the petitioners. Therefore, they have been advised to come to this Court.

4. Since the petitioners were allowed to retire from service with effect from 31.3.2016 and 30.11.2014 respectively on reaching the age of superannuation, the second respondent is hereby directed to disburse the retirement benefits, in the light of the Division Bench judgment of this Court 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), through twelve equal monthly instalments carrying interest of 6% p.a., by considering their representations. The instalments should commence from December, 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. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
Metropolitan Transport
Corporation (Tamil Nadu) Ltd.,
Chennai 600 002
3. The Administrator
Provident Fund Scheme
TNSTC, Pallavan Salai
Chennai 600 002

+1 cc to Mr.A.Murughan Advocate sr 71834

+1 cc to Mr.P.Kannan Kumar Advocate sr 72084

सत्यमेव जयते

W.P.Nos.26110 & 26111 of 2017

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