

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1655 to 1657 of 2017

G.Veeradamodharan .. Petitioner in W.P.No.1655/2017
P.Thimmarayan .. Petitioner in W.P.No.1656/2017
K.Ellangovan .. Petitioner in W.P.No.1657/2017

-vs-

- 1.The Government of Tamil Nadu,
Rep. By the Secretary,
Transport Department,
Secretariat, Chennai - 9.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri.
- 4.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 636 002. ..Respondents in all Wps

Common Prayer :-Petitions under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to settle the petitioners' retirement benefits including Provident Fund, Gratuity, Commutation, EL Surrender, ML Surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount and in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently to direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioners payable from the date of retirement i.e., 31.08.2016, 31.07.2014 and 31.08.2016 respectively to till date of actual payment to the petitioner within a stipulated time.

For Petitioners:: Mr.M.Selvam

For R1 :: Mr.V.Jayaprakash Narayanan, Spl.GP

For R2 to R4 :: Mr.R.K.Gandhi

COMMON ORDER

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

2. Heard the learned counsel for the petitioners. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, takes notice for the first respondent and Mr.R.K.Gandhi, learned counsel takes notice for the respondents 2 to 4.

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.1655 of 2017 are stated below:

The petitioner joined as Conductor on 25.05.1982 and after rendering 34 years of unblemished service, he retired from service on 31.08.2016 on attaining the age of superannuation.

4. Now, the only grievance of the petitioners is that their retirement benefits, namely, gratuity, commutation, leave salary, etc., have not been till date settled by the respondents.

5. 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 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 July, 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.

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Assistant Registrar

/True Copy/

Sub Assistant Registrar

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To

- 1.The Government of Tamil Nadu,
Rep. By the Secretary,
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Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 636 002.

+3 cc to Mr. M. Selvam, Advocate Sr.No.25956,25954, 29955
+3 cc to Mr. R.K. Gandhi, Advocate Sr.No.25965,25964,25963
+1 cc to Govt., Pleader, Sr.No.26452

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MD: 17/05/2017