

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.26859 & 26860 of 2017

M.Mani .. Petitioner in W.P.No.26859 of 2017
S.Kishor Sing .. Petitioner in W.P.No.26860 of 2017

-VS-

1. The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
No.12, Ramakrishna Road
Salem-7
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House, 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 respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, IRT share amount, Labour Welfare Fund, D.A.arrears and all other retirement benefits by calculating D.A.eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitle difference of dearness allowances also, with interest at 12% per annum with effect from 24.08.2016 & 01.04.2017 respectively, within the stipulated time as may be fixed by this Hon'ble Court.

For Petitioners:: Mr.G.Sakthivel

For Respondents:: Mr.R.K.Gandhi

ORDER

The husband of the petitioner in W.P.No.26859 of 2017 late Muthusamy, while serving as Driver with Staff No.DR 1719 in the Tamil Nadu State Transport Corporation (Salem) Limited, died on 23.8.2016 before reaching the age of superannuation. Her husband was drawing a basic pay of Rs.14,088/- + Grade Pay of Rs.2,339/- + Dearness Allowance of Rs.20,534/- + House Rent Allowance of Rs.842/- and totally a sum of Rs.37,944/- was the last drawn salary received by her husband. Her grievance is that after the death of her husband, the respondents have not come forward to disburse the terminal benefits like provident fund, gratuity, commutation, leave encashment (earned leave & old medical leave), leave surrender for 2009-2011, IRT share amount, labour welfare fund, D.A. arrears and all other retirement benefits. In this regard, she has also given a representation on 2.5.2017 along with the death certificate and the legal heirship certificate dated 29.8.2016 and 9.9.2016 respectively. But, the respondents have not come forward to consider the same, till date. Hence, she is before this Court.

2. The petitioner in W.P.No.26860 of 2017 also retired as Senior Assistant in the Tamil Nadu State Transport Corporation (Salem) Limited on 31.3.2017 after reaching the age of superannuation. He was drawing a basic pay of Rs.11,990/- + Grade Pay of Rs.2,200/- + Dearness Allowance of Rs.18,731/- + House Rent Allowance of Rs.880/- and totally a sum of Rs.34,171/- was the last drawn salary received by him. Since the respondents have not come forward to disburse the terminal benefits like provident fund, gratuity, commutation, leave encashment (earned leave & old medical leave), leave surrender for 2009-2011, IRT share amount, labour welfare fund, D.A. arrears and all other retirement benefits, he has given a representation on 2.5.2017. As the said representation has not been considered, he has come to this Court.

3. Mr.R.K.Gandhi, learned standing counsel, taking notice on behalf of the respondents, sought time to consider the representations of the petitioners, in the light of Division Bench judgment of this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015.

4. Accordingly, the respondents are hereby directed to consider the representations of the petitioners dated 2.5.2017 and if they are found eligible, shall 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. 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(CS III)

//True Copy//

Sub Assistant Registrar

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To

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Corporation (Salem) Ltd.,
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Salem-7
2. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+2 ccs to Mr.G.Sakthivel Advocate sr 73909 & 73910

+2 ccs to Mr.R.K.Gandhi Advocate sr 74025 & 74026

W.P.Nos.26859 & 26860 of 2017

gjII(co)
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