

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.1720 to 1722 of 2017

N.Karpagam .. Petitioner in W.P.No.1720 of 2017
N.Palani .. Petitioner in W.P.No.1721 of 2017
U.Jayaraman .. Petitioner in W.P.No.1722 of 2017

-vs-

1. The Principal Secretary to Government
Transport Department
Fort St.George
Chennai 600 009 ..1st Respondent
in all the writ petitions
2. The Managing Director
Metropolitan Transport
Corporation (Chennai) Ltd.,
Pallavan Salai .. 2nd Respondent
Chennai 600 002 in W.P.Nos.1720&1721 of 2017
3. The Managing Director
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu
Valuthareddy Post
Villupuram 605 602 ..2nd Respondent
in W.P.No.1722 of 2017
4. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai ..3rd Responden
Chennai 600 002 in W.P.Nos.1721&1722 of 2017

W.P.No.1720 of 2017 is filed 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 viz., Settlement Arrears amount of Rs.72,000/-, Earned Leave Salary amount of Rs.43,000/-, Gratuity amount of Rs.6,30,000/-, Social Security Scheme fund amount of Rs.20,000/- and IRT contribution amount Rs.4,600/- total comes to Rs.7,69,600/- (Rupees Seven Lakh Sixty Nine Thousand and six hundred only) with 18% interest on delayed payment to the petitioner's husband S.Natarajan, Special Grade Driver who died while in service on 07.03.2014.

W.P.No.1721 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second & third respondents to disburse the retirement benefits viz., Earned Leave Surrender Salary Amount of Rs.5,84,000/-, Pension Commutation Amount of Rs.3,21,400/-, Gratuity difference amount of Rs.22,000/- and IRT Contribution Amount of Rs.4,600/-, the total comes to Rs.9,42,000/- (Rupees Nine Lakhs Forty Two Thousand Only) with 18% interest on delayed payment to the petitioner the Senior Tradesman Staff No.T08825 who has retired from service on 31.08.2015.

W.P.No.1722 of 2017 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the second & third respondents to disburse the retirement benefits viz., Pension Commutation amount of Rs.3,37,000/-, Gratuity amount of Rs.6,91,000/-, Settlement Arrears amount of Rs.1,65,000/-, the total comes to Rs.11,93,000/- (Rupees Eleven Lakhs Ninety Three Thousand Only) with 18% interest on delayed payment to the petitioner the Special Grade Conductor Staff No.CRO 9022 who has retired from service on 30.04.2015.

For Petitioners :: Mr.D.Veerasekaran

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader for R1
Mr.P.Kannankumar for R2
Mr.P.Paramasivadosh for R3

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ORDER

The husband of the petitioner in W.P.No.1720 of 2017 joined as Driver on 1.6.87 in the erstwhile Pallavan Transport Corporation Limited and after amalgamation with Dr.Ambedkar Transport Corporation Limited, the Corporation was renamed as Metropolitan Transport Corporation (Chennai) Limited. Her

husband got the benefit of upgradation as Special Grade Driver on 1.11.2009. But he died on 7.3.2014 before his date of superannuation on 31.3.2014. As the terminal benefits of her late husband were not settled to an amount of Rs.7,69,600/-, she has given a representation along with the death certificate, legal heirship certificate for settlement of the retirement benefits of her husband. In spite of the representation, the respondents have not come forward to settle the benefits. Hence she is before this Court. Similarly, the petitioner in W.P.No.1721 of 2017 joined as Helper on 24.1.83 in the very same Corporation and subsequently got the benefit of upgradation as Senior Tradesman on 1.7.2015. After completion of 33 years of service, he retired from service on 31.8.2015. His grievance is that the terminal benefits to the tune of Rs.9,42,000/- have not been settled. The petitioner in W.P.No.1722 of 2017 also joined as Conductor on 28.2.87 in Thanthai Periyar Transport Corporation Limited and after amalgamation of Pattukottai Azhagiri Transport Corporation Limited with Thanthai Periyar Transport Corporation Limited, the Corporation was renamed as Tamil Nadu State Transport Corporation (Villupuram) Limited. Subsequently, he was upgraded as Special Grade Conductor on 1.3.2011 and after completion of 28 years of service, he retired on 30.4.2015. As his terminal benefits to the tune of Rs.11,93,000/- have not been settled, he has come to this Court. Hence, all the writ petitions are taken up together for disposal by this order.

2. The respective learned standing counsel for the Transport Corporation submitted that since there has been a direction issued by the Hon'ble Division Bench in W.A.(MD) Nos.383 to 457 of 2015 dated 12.6.2015 directing the Corporation to disburse all the retiral benefits in twelve equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions also.

3. This Court, recording the statement made by the respective learned standing counsel for the respondent Corporation, taking note 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) directing the respondents to settle all the retirement benefits in twelve equal monthly instalments with 6% interest per annum, hereby directs the respondents to settle the entire retirement 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. With this direction, the writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//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 (Chennai) Ltd.,
Pallavan Salai
Chennai 600 002
3. The Managing Director
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu
Valuthareddy Post
Villupuram 605 602
4. The Administrator
Tamil Nadu State Transport
Corporation Pension Fund Trust
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+3 ccs to Mr.D.Veerasekaran, Advocate, S.R.No.23312 to 23314
+3 ccs to Mr.P.Kannankumar, Advocate, S.R.No.23394 to 23394

W.P.Nos.1720 to 1722 of 2017

kgk(co)
rmp(03/05/17)