

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Coram

Dated: 06.02.2017

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition Nos.2794 and 2795 of 2017

T.R.Periyasami ... Petitioner in W.P.No.2794/2017

P.Premeela ... Petitioner in W.P.No.2795/2017

-Vs-

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
12, Ramakrishna Salai,
Salem - 636 007 ... Respondent in both the W.Ps.

Writ Petitions have been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to consider the petitioner's representation dated 02.01.2017 and 03.01.2017 respectively seeking retired monetary benefits, gratuity, employee provident Fund, Welfare Fund, 12(3) Settlement Arrears, Basic Pay, Earnest Leave Arrears of Salary amount and Dearness Allowance, Service benefits, Pension, Bonus, Society fund, Security Fund, Surrendered Medical Leave accrued in his credit so far in his credit in accordance with law within the time fixed by this Court.

For Petitioners : Mr.A. Ganesan
For Respondents : Mr.R.K. Gandhi

COMMON ORDER

By consent, both the writ petitions are taken up for final disposal and a common order is passed as the issue to be adjudicated is one and the same.

2. Mr.R.K.Gandhi, learned standing counsel accepts notice on behalf of the respondent.

3. The petitioner in W.P.No.2794/2017 joined the service of the respondent Corporation as A Senior Driver and his employment Number is CR.0823 and on attainment of age of superannuation, he

retired from service on 31.05.2013. The grievance expressed by the petitioner is that though he retired from service as early as on 31.05.2013, the retiral benefits, gratuity, employee provident fund, welfare fund, 12(3) settlement arrears, basic pay, earn leave, arrears of salary amount and dearness allowance, service benefits pension, bonus, society fund, security fund, surrendered medical leave have not been paid. In this regard, he has also submitted a representation dated 02.01.2017 to the respondent. Though it was received and acknowledged, no orders have been passed. Hence, he came forward to file the writ petition.

4. The petitioner in W.P.No.2795/2017 is the wife of one Ponnusamy and her husband was working in the respondent Corporation as selection grade Senior Conductor and his employment Number is CR-2538 and he died in harness on 24.07.2015. On account of his demise, the petitioner is entitled to retiral benefits, gratuity, employee provident fund, welfare fund, 12(3) settlement arrears, basic pay, earn leave, arrears of salary amount and dearness allowance, service benefits pension, bonus, society fund, security fund, surrendered medical leave have not been paid. In this regard, she has also submitted a representation dated 03.01.2017 to the respondent. Though it was received and acknowledged, no orders have been passed. Hence, she came forward to file the writ petition.

5. Learned counsel appearing for the petitioners would submit that the matter in issue is squarely covered by the judgment made in W.A.No.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 and prays for appropriate orders.

6. This Court heard the submission of the learned counsel for the petitioners and the learned standing counsel appearing for the respondent.

7. It is relevant to extract the order passed in W.A.No.(MD)Nos.383 to 457 of 2015 dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, [K.Rajendran and others Vs. Tamil Nadu State Transport Corporation, represented by its Managing Director, Madurai-10 and three others] which reads as follows:

"The learned Additional Advocate General submits that he has obtained written instructions vide letter No.7945/B/2015-2 dated 11/06/2015 that the terminal benefits of the appellants would be settled through twelve equal monthly installments, carrying interest of 6% p.a.

2. The said statement is thus taken on record and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Honourable Supreme Court in D.D.Tewari (D) Thr.

Lrs. Vs. Utta Haryana Bujli Vitran Nigam Limited & Ors [2014 (9) SCALE -78] wherein it is held that in case of any delay in making the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month.

4. The Writ Appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

8. In the light of the above facts and circumstances, this Court directs the respondent to dispose of the representation of the petitioners dated 02.01.2017 and 03.01.2017 respectively on merits and in accordance with law and in the light of the above cited judgment dated 12.06.2015 made in W.A.No.(MD)Nos.383 to 457 of 2015, by paying the amounts due in instalments and in any event, the first instalment shall be paid from 01.04.2017 and the remaining instalments shall be paid after regular intervals till full and final settlement. The writ petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
12, Ramakrishna Salai, सत्यमेव जयते
Salem - 636 007

+2cc to Mr.A. Ganesan, Advocate, S.R.No.7148 and 7149
+2cc to Mr.R.K. Gandhi, Advocate, S.R.No.7879 and 7880

sk(CO)
md(21/02/2017)

W.P.Nos.2794 and 2795 of 2017