

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. Nos.43213 to 43215 of 2016

M. Madhappan	Petitioner in WP No.43213 of 2016
K. Srinivasan	Petitioner in WP No.43214 of 2016
A. Settu	Petitioner in WP No.43215 of 2016

vs.

- 1 The Government of Tamil Nadu
represented by the Secretary
Transport Department
Secretariat
St. George Fort, Chennai 600 009
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Ltd.
No.12, Ramakrishnan Road
Salem 636 007
- 3 The General Manager
Tamil Nadu State Transport
Corporation (Salem) Ltd.
Dharmapuri Region
Bharathipuram
Dharmapuri 636 705
- 4 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan SALai
Chennai 600 002

Respondents in all WPs

Prayer in W.P. No.43213 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including gratuity, EL Surrender, ERBS Pension arrears, DA arrears and IRT amount and other benefits with interest at the rate of not less than 18% per annum payable from the date of retirement and

consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.05.2016 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.43214 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including provident fund, gratuity, commutation, EL surrender, ML surrender, DA arrears, settlement arrears, ERBS pension and IRT amount and other benefits with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.10.2014 to till the date of actual payment to the petitioner within a time frame.

Prayer in W.P. No.43215 of 2016:

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to settle the petitioner's retirement benefits including provident fund, gratuity, commutation, EL surrender, ML surrender, DA arrears, settlement arrears, ERBS pension and IRT amount and other benefits with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.01.2014 to till the date of actual payment to the petitioner within a time frame.

For petitioner Mr. R. Venkatesan
in all WPs

For R1 Mr. V. Jayaprakash Narayanan
in all WPs Special Government Pleader

For RR 2 to 4 Mr. P. Paramasivadosh
in all WPs Standing Counsel

COMMON ORDER

Inasmuch as the issue involved in all these writ petitions is one and the same, these writ petitions are considered and decided by this common order.

2 The petitioners, having retired from service as Selection Grade Driver/Senior Checking Inspector in the respondent Corporation on 31.05.2016, 31.10.2014 and 31.01.2014 respectively, have filed these writ petitions seeking a writ of mandamus directing the respondents to settle all their terminal benefits such as gratuity, provident fund, commutation, Earned Leave surrender, IRT amount, ERBS pension arrears, etc. with interest, as prayed for by them in the writ petitions.

3 The learned Standing Counsel for the respondent-Transport Corporation submitted that since there has been a direction issued by a Division Bench in identical cases in W.A. (MD) Nos.383 to 457 of 2015 [K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited, represented by its Managing Director, Madurai and others] vide judgment dated 12.06.2015 directing the Transport Corporation to disburse all the retiral benefits in 12 equal monthly instalments with 6% interest per annum, a similar direction may be issued in these writ petitions as well.

4 This Court, recording the statement made by the learned Standing Counsel for the respondent Corporation and taking note of the judgment dated 12.06.2015 of the Division Bench in W.A. (MD) Nos.383 to 457 of 2015 referred to above, directing the respondents therein to settle all the retirement benefits in 12 equal monthly instalments with 6% interest per annum, hereby directs the respondents herein to settle the entire retirement benefits due and payable to the petitioners in 12 equal monthly instalments with interest at the rate of 6% p.a. The instalments shall 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 payment of 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 the above direction, these writ petitions are disposed of. Costs made easy.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary
Transport Department
Government of Tamil Nadu
Secretariat
St. George Fort, Chennai 600 009
 - 2 The Managing Director
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Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan SALai
Chennai 600 002
- +3 Ccs to Mr.R. Venkatesan, Advocate sr 25944 to 25946
+1 Cc to Mr.P.Parasivadoss, Advocate sr 25881
+1 CC to Govt. Pleader sr 25672

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