

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.43429 to 43431 to 2016

D.Balasubramanian .. Petitioner in W.P.No.43429/16
V.Durairaj .. Petitioner in W.P.No.43430/16
D.Sigamani .. Petitioner in W.P.No.43431/16

-vs-

1. The Government of Tamil Nadu,
Rep. By the Secretary,
Transport Department,
Secretariat, Chennai - 9.
2. The Management of Tamil Nadu
State Transport Corporation (Kovai) Ltd.,
Rep. By its Managing Director,
Coimbatore. .. 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 pay the petitioners Rs.1,00,695/-, Rs.1,68,780/- and Rs.1,04,934/- respectively, towards the benefit of encashment of 90 days of Leave on personal affairs, as per the Government order passed in its Letter No.37568/BPE/2006, Finance (BPE) Department, dated 28.01.2008, together with 18% interest per annum.

For Petitioners :: Mr.V.Ajoykhose
For R1 :: Mr.T.M.Pappiah, Spl.GP
For R2 :: Mr.P.Kannankumar

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.T.M.Pappiah, learned Special Government Pleader, takes notice for the first respondent and Mr.P.Kannankumar, learned counsel takes notice for the second respondent.

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.43429 of 2016 are stated below:

The petitioner joined as Junior Assistant on 18.04.1974 and after rendering 37 years of unblemished service, he retired from service on 31.07.2011 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.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

WEB COPY

rkm

To

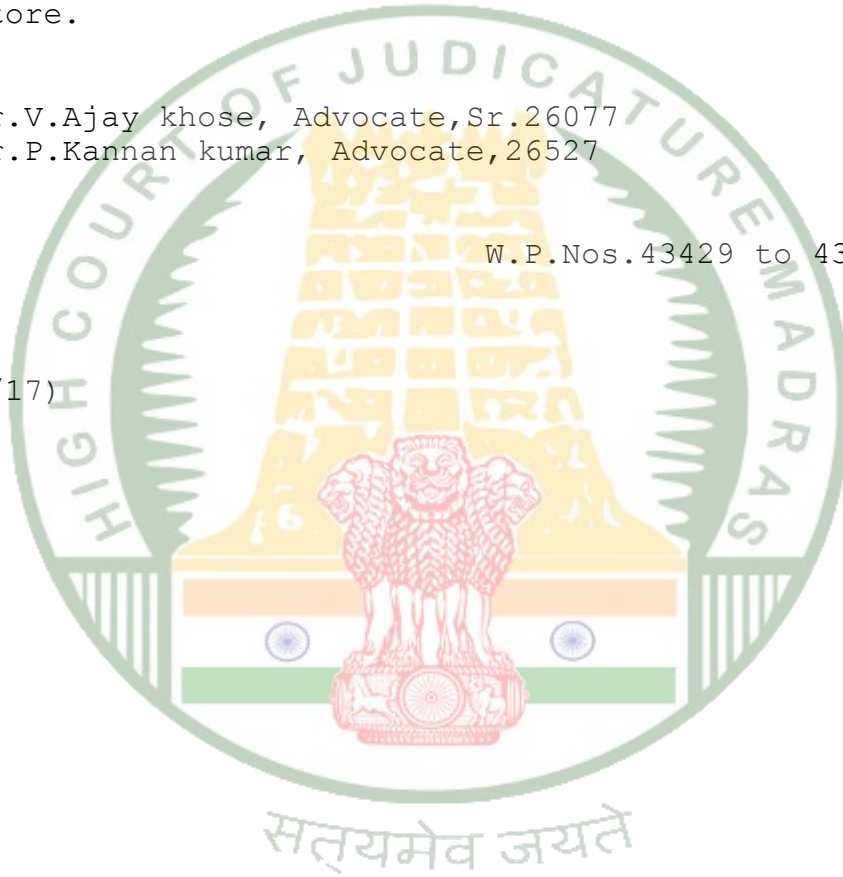
1. The Secretary,
Transport Department,
Secretariat, Chennai - 9.
2. The Management of Tamil Nadu
State Transport Corporation (Kovai) Ltd.,
Rep. By its Managing Director,
Coimbatore.

+1cc to Mr.V.Ajay khose, Advocate, Sr.26077

+1cc to Mr.P.Kannan kumar, Advocate, 26527

W.P.Nos.43429 to 43431 to 2016

ssi(co)
rmp(11/05/17)



WEB COPY