

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.44407 to 44409 of 2016

A.Sellaperumal	..	Petitioner in W.P.No.44407 of 2016
A.Sadasivam	..	Petitioner in W.P.No.44408 of 2016
R.Ramanathan	..	Petitioner in W.P.No.44409 of 2016

-vs-

1. The Managing Director
Tamil Nadu State Transport
Corporation Limited
12, Ramakrishna Road
Salem 636 007
2. The Administrator
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002 ..Respondents in all the writ petitions

W.P.No.44407 of 2016 is filed 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 Gratuity, Pension Commutation, Balance ERBS Pension arrears, surrender leave salary i.e., Earned leave balance as on 31.7.2014, balance dearness allowance, settlement benefits of 1.9.2014, surrender medical leave salary upto 1.9.1998 by calculating D.A., eligible as per newly implemented scheme with interest at 12% per annum with effect from 1.8.2014 within stipulated time as may be fixed by this Hon'ble Court.

W.P.No.44408 of 2016 is filed 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 ERBS Pension arrears, surrender leave salary i.e., Earned leave balance as on 31.3.2012, surrender medical leave salary upto 1.9.1998 which was already surrendered by calculating D.A., eligible as per newly implemented scheme with interest at 12% per annum with effect from 1.4.2012 within stipulated time as may be fixed by this Hon'ble Court.

W.P.No.44409 of 2016 is filed 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 Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender leave salary i.e., Earned leave balance as on 30.9.2015, balance dearness allowance, surrender medical leave salary upto 31.1.1998 by calculating D.A., eligible as per newly implemented scheme, with interest at 12% per annum with effect from 1.10.2015 within stipulated time as may be fixed by this Hon'ble Court.

For Petitioners :: Mr.I.C.Vasudevan

For Respondents :: Mr.K.Venkataramani

Additional Advocate General
assisted by Mr.P.Kannankumar
for the Transport Corporation

ORDER

The petitioners, having retired from service as Senior Conductor/Senior Tradesman in the respondent Corporation on 31.5.2014, 31.3.2012, 30.9.2015 respectively, have filed these writ petitions seeking a direction to the respondents to settle all the retirement benefits payable to them, namely, Gratuity, Pension Commutation, Balance ERBS Pension arrears, surrender leave salary etc., with interest at 12% per annum.

2. Mr.K.Venkataramani, learned Additional Advocate General assisted by Mr.P.Kannankumar, 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 retirement 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 learned Additional Advocate General for the respondents, 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 June, 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 Managing Director
Tamil Nadu State Transport
Corporation Limited
12, Ramakrishna Road
Salem 636 007
2. The Administrator
Tamil Nadu State Transport
Corporation Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai 600 002

+3cc to Mr.I.C. Vasudevan, Advocate, S.R.No.19713 to 19775
+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.20425

GJII(CO)
md(18/04/2017)

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