

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.18277 to 18284 of 2017 and
W.P.Nos.18725 to 18736 of 2017

W.P.No.18277 of 2017 to 18284/2017:

M.Sengottaiyan

..Petitioner

vs

- 1.The Principal Secretary to Government,
Department of Transport,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Managing Director,
Tamilnadu State Transport Corporation(Salem) Ltd.,
12, Ramakrishna Road,
Salem - 636 007, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to pay the petitioner 1) the difference in Death-Cum- Retirement- Gratuity of Rs.2,56,162/- with 24% Interest from 31.10.2006 and the Encashment of Unearned Leave on Private Affairs of Rs.1,09,906/- with 24% interest for he delayed payment from 30.10.2006 within a time frame as may be fixed by this Honourable Court.

W.P.18725 to 18736/2017:

M.Annadurai

..Petitioner

Vs

- 1 The Principal Secretary to
Government Department of Transport
Secretariat Fort St. George Chennai - 600
009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd 12 Ramakrishna Road Salem -
636 007 Salem District.

..Respondents

Writ Petition filed under Article 226 of the constitution of India praying to issue a Writ of Mandamus directing the respondents to pay him 1. The different in Death - cum -Retirement - Gratuity of Rs.1 33 577/- with 24% Interest from 28.02.2006 and the Encashment of Unearned Leave on Private Affairs of Rs. 80 700/- with 24 % interest for the delayed payment from 28.02.2006 within a time frame as may be fixed by this Honourable court and pass such further or other order as this Hon'ble Court may deem fit or proper in the circumstances of this case and this render Justice.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : M/s.A.Srijayanthi, GA for R1
Mr.D.Venkatachalam for R2

C O M M O N O R D E R

This Court passed an order in a batch of writ petitions, directing the respondents to disburse the retirement benefits to the employees of the Transport Corporation in installments. In a Batch of writ petitions, similar orders has been passed. The respondent Corporation preferred Review Petitions in Review Petition Nos.73 & etc., of 2018 in respect of certain difficulties aroused, while implementing the orders passed by this Court.

2.The Review Petitions also were considered by this Court and an order was passed on 18.07.2018 and the relevant portions of the Review orders are extracted hereunder:

"3. The learned Additional Advocate General appearing on behalf of the review petitioner / Corporation raised a grounds in the review petitions stating that the employees concerned are not eligible to avail the benefits of encashment of unearned leave on private affairs and DCRG. In respect of the orders passed in some writ petitions, the individual entitlements were settled as per the Rules. A Common order was passed by this Court on the ground that the respondents are bound to settle the terminal and retirement benefits to the employees as per the Rules in force. This apart, the Court orders are clarified that the employees are eligible to get all the terminal and pensionary benefits in accordance with the Rules and as per the terms and conditions stipulated in the Pension scheme in force in the Transport Corporation.

4. In this view of the matter, the orders passed in the writ petitions are to be clarified. Considering the arguments as advanced by the learned Additional Advocate General appearing for the review petitioner /

Corporation and considering the legitimate claim of the employees who served in the Transport Corporation, the review petitioner / Transport Corporation is directed to decide the eligibility and other criteria in respect of the entitlements of each employee as per the Rules and as per the terms and conditions of the Scheme and accordingly settle the benefits to the employees in accordance with law and by following the Rules.

5. The review applications stands disposed of with the above clarification. No costs. Consequently connected miscellaneous petitions are closed."

3. In the above orders cited supra, this Court has directed the respondent / Transport Corporation to decide the eligibility criteria and other criterias' in respect of the entitlements of each employee as per the rules in force and as per the terms and conditions of the scheme and settle the retirement benefits in favour of the employees in accordance with law and by following the rules.

4. It is needless to state that the employees are entitled for their retirement and terminal benefits. However, the quantum, the eligibility and other criterias' are to be ascertained on individual basis and accordingly, the benefits are to be settled without any further delay as the petitioners had already retired from service and waiting for the disbursal of retirement benefits for a long time.

5. In respect of the belated settlements of the terminal benefits, the respondent / Transport Corporation should consider the cases for grant of interest as per the rules in force.

6. With these directions, all the writ petitions stand disposed of. However, there shall be no order as to costs.

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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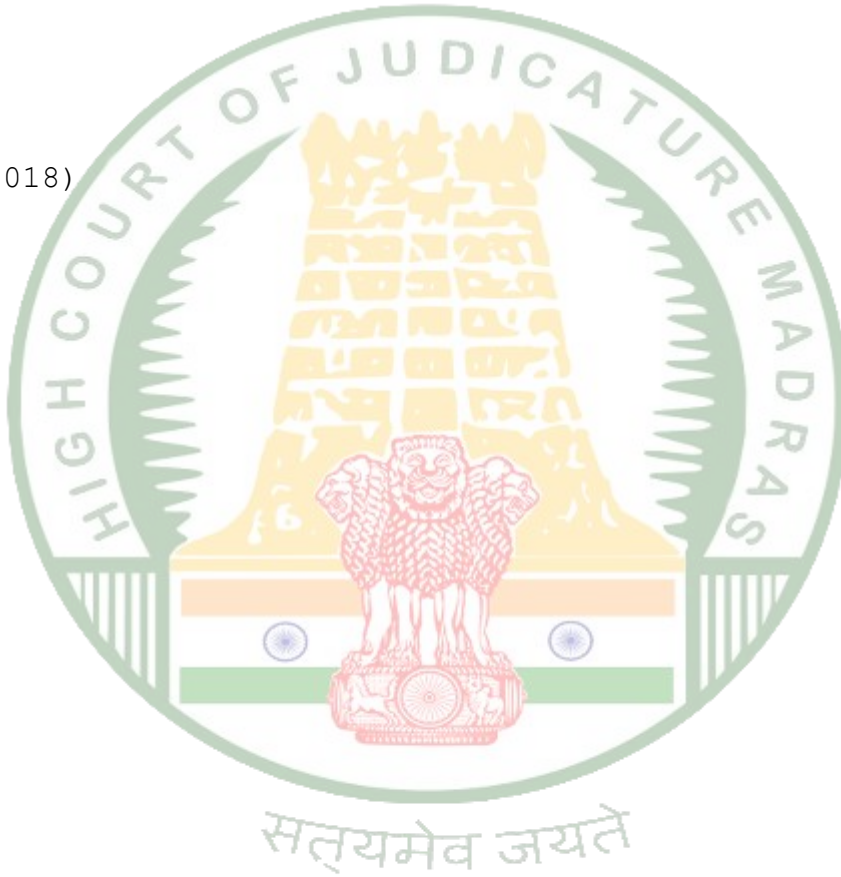
1. The Principal Secretary to Government,
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+1 CC to Govt. Pleader sr 75349, 75351.

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KAN(CO)
SP(03/12/2018)



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