

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 19725 to 19731 of 2016,
19740 to 19758 of 2016, 19759 of 2016
19763 to 19766 of 2016, 19818 of 2016,
19829 of 2016 and
19831 to 19835 of 2016

K.Mani	...Petitioner in WP.19725 of 2016
M.Balaguru	...Petitioner in WP.19726 of 2016
E.Humayun Sheriff	...Petitioner in WP.19727 of 2016
A.Mani	...Petitioner in WP.19728 of 2016
T.Murugaiyan	...Petitioner in WP.19729 of 2016
G.Sundar Rajan	...Petitioner in WP.19730 of 2016
K.Nagarajan	...Petitioner in WP.19731 of 2016
P.Thangappan	...Petitioner in WP.19740 of 2016
S.Palaniappan	...Petitioner in WP.19741 of 2016
M.Nainappan	...Petitioner in WP.19742 of 2016
V.Lakshmanan	...Petitioner in WP.19743 of 2016
S.Madheswaran	...Petitioner in WP.19744 of 2016
K.Murugan	...Petitioner in WP.19745 of 2016
S.Sellappan	...Petitioner in WP.19746 of 2016
R.Rathinam	...Petitioner in WP.19747 of 2016
S.Sundarasekaran	...Petitioner in WP.19748 of 2016
K.Periyannan	...Petitioner in WP.19749 of 2016
V.Thillai Nayagam	...Petitioner in WP.19750 of 2016
P.Ramasamy	...Petitioner in WP.19751 of 2016
C.Muthu	...Petitioner in WP.19752 of 2016
P.Velusamy	...Petitioner in WP.19753 of 2016
K.Shanmugam	...Petitioner in WP.19754 of 2016
M.Subbarayan	...Petitioner in WP.19755 of 2016
K.Natesan	...Petitioner in WP.19756 of 2016
D.Parthiban	...Petitioner in WP.19757 of 2016
R.Athiappan	...Petitioner in WP.19758 of 2016
H.Michael Dhas	...Petitioner in WP.19759 of 2016
S.Ravi	...Petitioner in WP.19763 of 2016
P.Karthikeyan	...Petitioner in WP.19764 of 2016
G.S.Muthuraman	...Petitioner in WP.19765 of 2016
M.Anbalagan	...Petitioner in WP.19766 of 2016
K.Singaravelu	...Petitioner in WP.19818 of 2016
P.Pachaiappan	...Petitioner in WP.19829 of 2016
M.Moorthy	...Petitioner in WP.19831 of 2016

N.Rajendran
M.Chinnappan
P.Manickavel
S.Baskaran

...Petitioner in WP.19832 of 2016
...Petitioner in WP.19833 of 2016
...Petitioner in WP.19834 of 2016
...Petitioner in WP.19835 of 2016

Vs.

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram-605 602.

...R1 in WPs.19725 to 19731, 19763
to 19766, 19829 & 19831 of 2016

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
Salem Division,
No.12, Ramakrishna Road,
Post Box No.113, Salem 636 007.

...R1 in WPs.19833 to 19835 & 19740
to 19758 of 2016

...R2 in WP.19818 of 2016

3. The Managing Director
State Express Transport Corporation
(Salem) Ltd., No.2,
Pallavan Salai, Chennai-2.

...R1 in WPs.19832 & 19759 of 2016

4. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.

...R2 in WPs.19725 to 19728, 19730 &
19731 of 2016

5. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713, Salem 636 007.

...R2 in WPs.19740 to 19758 of 2016

6. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri 636 705.

...R3 in WP.19818 of 2016

7. The General Manager,
Tamil Nadu State Transport
Corporation Limited,
Tiruvannamalai Division,
Collector's Office Campus,
Bye Pass Road,
Vengikal Village & Post,
Tiruvannamalai.

...R2 in WP.19829 of 2016

8. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore 632 009.

...R2 in WPs.19729 & 19831 of 2016

9. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Villupuram Region,
Villupuram 605 602.

...R2 in WPs.19763, 19765 &
19766 of 2016

10. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

...R2 in WP.19764 of 2016

11. The Secretary,
Government of TamilNadu,
Transport Department,
Secretariate,
Fort St. George,
Chennai 600 009.

...R1 in WP.19818 of 2016

...R3 in WP.19289 of 2016

12.The Administrator

Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.

...R2 in WPs.19832, 19834 &
19835 of 2016

...R3 in WPs.19725 to 19728 & 19730,
19763 to 19766, 19831, 19740, 19742,
19744, 19749, 19751 to 19755,
19757 & 19758 of 2016

...R4 in WPs.19818 & 19729 of 2016

13.The General Manager,

Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai.

...R3 in WP.19729 of 2016

W.P.No.19725 of 2016 : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave), Settlement Arrears and Pension Arrears with interest at 12% per annum with effect from 01.11.2014, within a stipulated time as may be fixed by this Court and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case.

W.P.No.19726 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), with interest at 12% per annum with effect from 01.07.2015 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19727 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment with interest at 12% per annum with effect from 01.11.2014 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19728 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment with interest at 12% per annum with effect from 01.02.2016 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19729 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, commutation, Leave Surrender (Earned Leave), Settlement Arrears and Pension arrears with interest at 12% per annum with effect from 09.10.2014 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19730 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, commutation, and Leave Encashment with interest at 12% per annum with effect from 01.11.2015 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19731 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment with interest at 12% per annum with effect from 01.09.2013 within stipulated time as may be fixed by this Honourable Court.

W.P.No.19740 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS), College Fees and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19741 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19742 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS), Leave Surrender for the month of October, 2009 (15 days) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19743 of 2016 : Directing the respondents to settle payment of Gratuity, Dearness Allowance Arrears, Earned Leave, Medical Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19744 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court

W.P.No.19745 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19746 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19747 of 2016 : Directing the respondents to settle payment of Earned Leave payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19748 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19749 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19750 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19751 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension, Medical Leave, Employees Retirement Benefit Scheme (ERBS) and College Fees and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19752 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19753 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19754 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and College Fees and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19755 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and College Fees and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19756 of 2016 : Directing the respondents to settle payment of Earned Leave, Medical Leave, College Fees and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19757 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19758 of 2016 : Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave, Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

W.P.No.19759 of 2016 : Directing the respondents to settle the terminal benefits of the petitioner of Provident Fund amount of Rs.7.82,000/- Encashment of 160 days of earned leave amount of Rs.1,75,000/- Social Security Scheme amount of Rs.35,000/- Refund of deposit amount paid towards Erode Engineering College, Perundurai Medical College and Polytechnic amount of Rs.4,500/- altogether a sum of Rs.9,96,500/- with interest at the rate of 6% taking into consideration of the representation of the petitioner on various dates including the one on 25.05.2016.

W.P.No.19763 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned Leave & Medical Leave), settlement arrear amount by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.02.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19764 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned Leave & Medical Leave) Amount, and 12(3) settlement arrears by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.03.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19765 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned Leave & Medical Leave), settlement arrear amount Pension arrears by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.09.2015 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19766 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned Leave & Medical Leave), settlement arrear amount Pension arrears by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.08.2015 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19818 of 2016 : Directing the 2nd and 3rd respondents to settle the petitioners retirement / terminal benefits terminal benefits namely, Provident Fund, Gratuity, Leave Surrender Amount, Social Security Amount, 1/3rd of pension Commutation value alongwith the IRTT Contribution paid already 06 days leave salary paid already was received Rs.6,140/- and all other attendant benefits with 12% interest per annum from the date of retirement and consequently directing the 2nd and 3rd respondents to pay 18% interest per annum for the belated settlement of above benefits to the petitioner i.e. from 31.01.2016 to till date of actual payment within the time that may be stipulated by this Honourable Court.

W.P.No.19829 of 2016 : Directing the respondents herein to consider the representation of the petitioner dated 02.11.2015 and sanction the pay and retirement benefits and other service

benefits referred to in the petitioner representation dated 02.11.2015 with 18% interest for the belated payment of retirement benefits.

W.P.No.19831 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Commutation, and Leave Encashment by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19832 of 2016 : Directing the respondents to disburse the payments relating to Leave Encashment (Earned Leave & Old Medical Leave), by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.01.2011 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19833 of 2016 : Directing the respondents to disburse the payments relating to Leave Encashment (Medical Leave & Earned Leave), D.A. Arrears, Leave Surrender from 2009 to 2011 by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.06.2012 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19834 of 2016 : Directing the respondents to disburse the payments relating to paid provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical leave), Leave Surrender in the year of 2009 to 2011, Labour Welfare Fund, IRD Share Amount, Pension Arrear amount and DA arrear by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.04.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.19835 of 2016 : Directing the respondents to disburse the payments relating to provident Fund, Gratuity, Pension Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011, Labour Welfare Fund, IRT Share Amount, by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.03.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Pradeep
in W.Ps.19725 to 19731 of 2016
W.Ps.19763 to 19766 of 2016
W.Ps.19831 to 19835 of 2016

: Mr.N.Sudhagar Nagaraj
in W.Ps.19740 to 19758 of 2016

: Mr.D.Soundarraaj,
in W.P.19759 of 2016

: Mr.S.Sathiaseelan
in W.P.19818 of 2016

: Mr.S.Sadasharam
in W.P.19829 of 2016

For Respondents : Mr.P.Paramasivadoss
Standing Counsel for Transport
Corporation (In all the WPs)

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though, they retired from service long before, till date, they were not paid with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making 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 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."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.08.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

paa

To

1. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram-605 602.

2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
Salem Division,
No.12, Ramakrishna Road,
Post Box No.113,
Salem 636 007.
3. The Managing Director
State Express Transport Corporation
(Salem) Ltd., No.2,
Pallavan Salai, Chennai-2.
4. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
5. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited
Salem Division,
No.12, Ramakrishna Road,
Post Box No.713,
Salem 636 007.
6. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri 636 705.
7. The General Manager,
Tamil Nadu State Transport
Corporation Limited,
Tiruvannamalai Division,
Collector's Office Campus,
Bye Pass Road,
Vengikal Village & Post,
Tiruvannamalai.
8. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore 632 009.

9. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Villupuram Region,
Villupuram 605 602.

10. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.

11. The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariate,
Fort St. George,
Chennai 600 009.

12. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.

13. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai.

+19cc's to Mr.N.Sudhagar Nagaraj, Advocate,
S.R.Nos.31753 to 31752, 31764 to 31772

+15cc's to Mr.J.Pradeep, Advocate,
S.R.Nos.32644 to 32653, 32655 to 32659

+4cc's to Mr.P.Paramasivadosh, Standing Counsel for Transport
Corporation, S.R.Nos.32229, 32275, 32277 & 32280

+1cc to Mr.S.Sathiaselvan, Advocate, S.R.No.31687

+1cc to Mr.S.Sadasharam, Advocate, S.R.No.31654

+1cc to Mr.D.Soundarraaj, Advocate, S.R.No.31511

+1cc to the Government Pleader, S.R.No.31918

W.P.Nos. 19725 to 19731 of 2016,
19740 to 19758 of 2016, 19759 of 2016
19763 to 19766 of 2016, 19818 of 2016,
19829 of 2016 and
19831 to 19835 of 2016

SKS (CO)
CA(24/06/2016)