

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.19890 to 19897, 19943 to 19954,
19989, 19994, 19996 to 20000, 20001 of 2016
[28 cases]

D.Ragunath	...Petitioner in W.P.19890 of 2016
R.Dhanapal	...Petitioner in W.P.19891 of 2016
V.Malliga (AR 0411)	...Petitioner in W.P.19892 of 2016
R.Nagappan	...Petitioner in W.P.19893 of 2016
M.Kasinathan (MCR 039)	...Petitioner in W.P.19894 of 2016
C.Varadarajan (EF 0034)	...Petitioner in W.P.19895 of 2016
K.Perumal (TR 1674)	...Petitioner in W.P.19896 of 2016
M.Amirtham (AR 0211)	...Petitioner in W.P.19897 of 2016
S.K.Balasubramanian	...Petitioner in W.P.19943 of 2016
S.Karnan	...Petitioner in W.P.19944 of 2016
V.Manoharan	...Petitioner in W.P.19945 of 2016
N.Krishnaraj	...Petitioner in W.P.19946 of 2016
P.Balan	...Petitioner in W.P.19947 of 2016
S.Thiruvengadam	...Petitioner in W.P.19948 of 2016
C.Karthikeyan	...Petitioner in W.P.19949 of 2016
R.R.Subramanian	...Petitioner in W.P.19950 of 2016
R.Sivalingam	...Petitioner in W.P.19951 of 2016
N.Ravindran	...Petitioner in W.P.19952 of 2016
D.Chinnapparaj	...Petitioner in W.P.19953 of 2016
K.Duraiaraj	...Petitioner in W.P.19954 of 2016
V.S.Rajendran	...Petitioner in W.P.19989 of 2016
G.Subramaniam	...Petitioner in W.P.19994 of 2016
S.Elango	...Petitioner in W.P.19996 of 2016
R.Nagarajan	...Petitioner in W.P.19997 of 2016
V.Subramanian	...Petitioner in W.P.19998 of 2016
G.Rajasekaran	...Petitioner in W.P.19999 of 2016
K.C.Palanisamy	...Petitioner in W.P.20000 of 2016
K.Dhanasekaran, TI, (Rtd.), S.R.No.13281	...Petitioner in W.P.20001 of 2016

Vs.

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

...1st Respondent in WPS.19890 to
19897 of 2016
...2nd Respondent in WP.19994 of 2016

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

...2nd Respondent in WPs.19890
to 19897 of 2016
...4th Respondent in WP.19994 of 2016
...3rd Respondent in WP.20001 of 2016

Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore, Rep.by its
Managing Director.

...1st Respondent in WPs.19943
to 19954 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore.

...2nd Respondent in WPs.19943
to 19954 of 2016

The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvallurvar House,
Pallavan Salai,
Chennai 02.

...3rd Respondent in WPs.19943
to 19954 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram 605 602.

...1st Respondent in WPs.19989
& 20001 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore 607 001.

...2nd Respondent in WP.19989
of 2016

The Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat, Fort St.George,
Chennai 09.

...1st Respondent in WP.19994
of 2016

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

...3rd Respondent in WP.19994
of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore 45.

...1st Respondent in WPs.19996
to 20000 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Erode Region, Chennimalai Road,
Erode 01.

...2nd Respondent in WPs.19996
to 20000 of 2016

The Administrator,
Tamil Nadu State Transport
Employees Pension Fund Trust,
Tiruvalluvar Illam, Anna Salai,
Chennai 02.

...3rd Respondent in WPs.19997,
19999 & 20000 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.

...2nd Respondent in WP.20001 of
2016

These Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus,

i) To direct the respondents to disburse the payments relating to Leave Encashment (Earned leave and Old Medical Leave), Leave surrender and arrears amount by calculating D.A.eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.02.2011 within the stipulated time as may be fixed by this Court.(W.P.No.19890 of 2016)

ii) To direct the respondents to disburse the payments relating to Leave Encashment (Earned leave and Old Medical Leave), Leave surrender in the year of 2009 to 2011, and arrears amount by calculating D.A.eligible as per newly implemented, with interest at 12% per annum with effect from 01.06.2012. (W.P.No.19891 of 2016)

iii) To direct 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, and DA arrear by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.04.2016.(W.P.No.19892 of 2016)

iv) To direct the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011, by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.07.2014.(W.P.No.19893 of 2016)

v) To direct the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011, Labour Welfare Fund and IRT Share Amount by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.04.2016. (W.P.No.19894 of 2016)

vi) To direct the respondents to disburse the payments relating to Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011 and arrears amount by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.11.2011. (W.P.No.19895 of 2016)

vii) To direct the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011 and arrears amount by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.08.2013. (W.P.No.19896 of 2016)

viii) To direct the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender in the year of 2009 to 2011, Labour Welfare Fund and IRT Share amount by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.03.2014. (W.P.No.19897 of 2016)

ix) To direct the respondents to pay the petitioner all his retirement benefits including Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Hon'ble court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondents. (W.P.Nos.19943 to 19954 of 2016)

x) To direct the respondents to settle the petitioner's retirement benefits including Leave Salary, Gratuity and settlement arrears and new scale of promotion etc., 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. 31.01.2016 to till date of actual payment to the petitioner. (W.P.No.19989 of 2016)

xi) To direct the 2nd and 3rd Respondents to settle the Petitioners retirement / terminal benefits terminal benefits namely Gratuity 1/3rd of Pension Commutation value alongwith six month pending pension amount to be paid for the period since 30.04.2013 to 31.10.2013 at Rs.9 686/- comes to Rs.58 116/- and all other attendant benefits with 12% interest p.a. from the date of retirement and consequently directing the 2nd and 3rd respondents to pay 18% interest p.a. for the belated settlement of above benefits to the Petitioner i.e. from 30.04.2013 to till date of actual payment with breakup figure statement for arriving above retirement benefit under each heading. (W.P.No. 19994 of 2016)

xii) To direct the respondents to settle all the terminal benefits due payable to the Petitioner as per the Order dated 12.06.2015 made in W.A.(MD).Nos.383 to 457 of 2015 with interest at 12% per annum with effect from 25.04.2015. (W.P.No.19996 of 2016)

xiii) To direct the respondents to settle all the terminal benefits payable to the Petitioner as per the Order of the W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 22.02.2016. (W.P.No.19997 of 2016)

xiv) To direct the respondents to settle all the terminal benefits due to the Petitioner as per the Order of the W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 27.07.2011. (W.P.No.19998 of 2016)

xv) To direct the respondents to settle the terminal benefits due payable to the Petitioner as per the Order of the W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 27.06.2011. (W.P.No.19999 of 2016)

xvi) To direct the respondents to settle all the terminal benefits to the Petitioner as per the Order of the W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 with interest at 12% per annum with effect from 25.06.2015. (W.P.No.20000 of 2016)

xvii) To direct the respondents to settle the petitioner's retirement benefits including including Leave Salary, gratuity, commutation, welfare amount, IRT amount and Pension arrears etc. 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. 30.04.2016 to till date of actual payment to the petitioner. (W.P.No.20001 of 2016)

For Petitioners : Mr.J.Pradeep
in W.P.Nos.19890 to 19897 of 2016

Mr.A.Rajendran
in W.P.Nos.19943 to 19954 of 2016

Mr.T.Pappaiah Dharmarajan
in W.P.Nos.19989 & 20001 of 2016

Mr.S.Sathiaseelan
in W.P.No.19994 of 2016

Mr.N.Senthil Kumar
in W.P.Nos.19996 to 20000 of 2016

For Respondents : Mr.P.Paramasivadosh
Standing Counsel for Transport
Corporation in W.P.Nos.19890
to 19897, 19994 of 2016

Mr.S.Sairaman
Standing Counsel for Transport
Corporation
in W.P.Nos.19943 to 19954,
19989 and 20001 of 2016

Mr.P.Kannan Kumar
Standing Counsel for Transport
Corporation
in W.P.Nos.19996 to 20000 of 2016

Mr.P.Chinnadurai
Government Advocate for State
in W.P.No.19994 of 2016

C O M M O N O R D E R

Inasmuch as the issue raised in all these writ petitions are one and the same, viz., seeking a direction to the respondent-Transport Corporation to disburse the terminal benefits of the petitioners, all these petitions are taken up together and disposed of by this common order.

2. The grievance of the petitioners is that even though they have retired from the services of the respondent- Transport Corporation two or three years ago, till date their terminal benefits have not been settled. In this regard, they have also submitted representation to the respective Transport Corporations. Since there was no response, they are before this Court by way of these writ petitions.

3. When the matter is taken up today for hearing, 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 respondent-Transport Corporation undertook to pay the amount due and payable in

twelve equal monthly instalments. They would further submit that following the same, this Court has passed similar orders in several writ petitions. Accordingly, they would pray that a similar order may be passed in these writ petitions also.

4. Heard the learned counsel for the respective petitioners; Mr.P.Chinnadurai, learned Government Advocate appearing on behalf of the State; Mr.P.Paramasivadosh, Mr.S.Sairaman and Mr.P.Kannan Kumar learned Standing Counsel for the respective respondent-Transport corporation, who took notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the respective respondent-Transport Corporation is directed to disburse the terminal benefits to each of 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 10.08.2016.

6. With the above direction, all these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited
No.12, Ramakrishna Road
Salem 636 007.

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

3. The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore.
4. The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore.
5. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvallurvar House,
Pallavan Salai,
Chennai 02.
6. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram 605 602.
7. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Cuddalore Region,
Cuddalore 607 001.
8. The Secretary to Government of Tamil Nadu,
Transport Department,
Secretariat,
Fort St. George,
Chennai 09.
9. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri 636 705.
10. The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37, Mettupalayam Road,
Coimbatore 45.

11.The General Manager,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Erode Region,
Chennimalai Road,
Erode 01.

12.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram.

+8cc's to Mr.J.Pradeep, Advocate, S.R.Nos.32636 to 32643
+12cc's to Mr.A.Rajendran, Advocate, S.R.No.31830
+3cc's to Mr.S.Sairaman, Advocate, S.R.Nos.32696 to 32698
+8cc's to Mr.P.Kannan Kumar, Advocate,
S.R.Nos.32348 & 32349, 32351 to 32353
+1cc to Mr.S.Sathiaselvan, Advocate, S.R.No.32012
+5cc's to Mr.N.Senthil Kumar, Advocate, S.R.Nos.33206 to 33210
+2cc's to Mr.T.Pappiah Dharmarajan, Advocate,
S.R.Nos.32129 & 32130

W.P.Nos.19890 to 19897, 19943 to 19954,
19989, 19994, 19996 to 20000
and 20001 of 2016
[28 cases]

SCD(CO)
CA(30/06/2016)

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