

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 20102 to 20106 of 2016
20121 to 20124 of 2016,
20133 to 20135 of 2016
20142 of 2016,
20161 to 20166 of 2016,
20167 to 20174 of 2016,
20216 of 2016 and
20221 to 20226 of 2016

M.PUNNIYAKOTTI	...	PETITIONER	in	WP No.20102	of	2016
S.NATARAJAN	...	PETITIONER	in	WP No.20103	of	2016
R.SIVAJI	...	PETITIONER	in	WP No.20104	of	2016
G.JEEVANANDAM	...	PETITIONER	in	WP No.20105	of	2016
M.VEDARATHINAM	...	PETITIONER	in	WP No.20106	of	2016
R.RUDRASAMY	...	PETITIONER	in	WP No.20121	of	2016
A.K.NATARAJIVAM	...	PETITIONER	in	WP No.20122	of	2016
R.JAGANATHAN	...	PETITIONER	in	WP No.20123	of	2016
M.P.T.RAVI GEORGE	...	PETITIONER	in	WP No.20124	of	2016
MR.A.ILLIAS	...	PETITIONER	in	WP No.20133	of	2016
MR.R.CHANDRASEKARAN	...	PETITIONER	in	WP No.20134	of	2016
MR.A.RAMANANTHAM	...	PETITIONER	in	WP No.20135	of	2016
K.JAGADEESAN	...	PETITIONER	in	WP No.20142	of	2016
T.ELANGO VAN	...	PETITIONER	in	WP No.20161	of	2016
K.SHAJAHAN	...	PETITIONER	in	WP No.20162	of	2016
M.K.CHINNAPPAN	...	PETITIONER	in	WP No.20163	of	2016
M.ARUMUGAM	...	PETITIONER	in	WP No.20164	of	2016
P.DURAISAMY	...	PETITIONER	in	WP No.20165	of	2016
P.KANDASAMY	...	PETITIONER	in	WP No.20166	of	2016
T.DHANDAPANI	...	PETITIONER	in	WP No.20167	of	2016
R.KUMAR	...	PETITIONER	in	WP No.20168	of	2016
G.RANGANATHAN	...	PETITIONER	in	WP No.20169	of	2016
P.THANGARAJ	...	PETITIONER	in	WP No.20170	of	2016
K.BASKARAN	...	PETITIONER	in	WP No.20171	of	2016
M.GOVINDASAMY	...	PETITIONER	in	WP No.20172	of	2016
N.VENKATACHALAM	...	PETITIONER	in	WP No.20173	of	2016
M.PUSHPANATHAN	...	PETITIONER	in	WP No.20174	of	2016
S.ELUMALAI	...	PETITIONER	in	WP No.20216	of	2016
K.BAKTHAVACHALAM	...	PETITIONER	in	WP No.20221	of	2016
V.ANANTHAKRISHNAN	...	PETITIONER	in	WP No.20222	of	2016
S.SUNDARAMURTHY	...	PETITIONER	in	WP No.20223	of	2016

M.NOOR BASHA ... PETITIONER in WP No.20224 of 2016
V.KOTHANDAPANI ... PETITIONER in WP No.20225 of 2016
G.KANDASAMY ... PETITIONER in WP No.20226 of 2016

Vs

The Managing Director
Tamil Nadu State
Transport Corporation
(Villupuram) Ltd
Villupuram

...Respondent 1 in WP 20102 to
20106/16, 20121 to 20122
20221 to 20226/16

The General Manager
Tamil Nadu State Transport
Corporation (Villupuram Ltd)
Vellore Region
Vellore 632 009

...2nd Respondent in WP.20121/16
to 20122, 20221 to 20226/16

The Managing Director
Tamil Nadu State Transport
Corporation, (Salem Ltd)
12 Ramakrishna Road
Salem-636 002

...1st Respondents in WP.20123 &
20124/16, 20161 to 20174/2016
20216/16

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

...2nd Respondent in WP.20102 to
20106/2016

The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai Chennai-2

...3rd Respondent in WP.20102 to
20105/2015, 20121, 20122,
20221 to 20222/16, 20225 and
20226/16

...2nd Respondent in WP.20123 to
20124

The Government of Tamil Nadu
rep by its Principal Secretary
Transport Department Secretariat
Fort St.George Chennai-9

...1st Respondent in WP.20133/16 to
20135/16,20142/16

The Managing Director
Tamil Nadu State Transport
Corporation(CBE) Ltd,
Head office NO.37, Mettupalayam Road
Coimbatore-641 043

...2nd Respondent in WP.20133 to
20135/16, 20142/16

The Financial Advisor and
Chief Accounts Officer Tamil Nadu
State Transport Corporation(CBE)Ltd
Head Office, No.37 Mettupalayam Road,
Coimbatore-641 043

...3rd Respondent in WP.20133 to
20135/16

The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai Chennai-600 002

...4th Respondent in
WP.20133 and 20135/16

The Administrator Tamil Nadu
State Transport Corporation(Salem)Ltd
Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House
Pallavan Salai
Chennai-2

...2nd Respondent in
WP.No.20167 to 20174/16

WP No.20102 of 2016

Writ petitions filed under Article 226 of the Constitution of
India praying for issuance of writ of mandamus

WP.No.20102/2016:

Directing the Respondents to disburse the payments relating
to Gratuity, commutation, Leave Surrender (Earned Leave &
medical Leave) Settlement arrear and Settlement pension arrears
with interest at 12% per annum with effect from 1.03.2014,
within stipulated time as may be fixed by this Honourable Court.

WP No.20103 of 2016:

Directing the Respondents to disburse the payments relating to Gratuity, commutation, Leave Surrender (Earned Leave & medical Leave) and Settlement arrear with interest at 12% per annum with effect from 1.04.2016, within stipulated time as may be fixed by this Honourable Court.

WP No.20104 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, commutation, Leave Surrender (Earned Leave & medical Leave) and Settlement arrear and Settlement Pension arrears with interest at 12% per annum with effect from 1.03.2015, within stipulated time as may be fixed by this Honourable Court.

WP No.20105 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, commutation, Leave Surrender (Earned Leave & medical Leave) Settlement arrear after Retirement Settlement Pension arrears and other Retirement Benefits Dues with interest at 12% per annum with effect from 1.02.2015, within stipulated time as may be fixed by this Honourable Court.

WP No.20106 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, commutation, Leave Surrender (Earned Leave) by calculating DA arrears Amount with interest at 12% per annum with effect from 1.08.2013, within stipulated time as may be fixed by this Honourable Court.

WP No.20121 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave) and other Benefits by calculating D.A. eligible and 2013 wage Settlement effect as per newly implemented, with interest at 12% per annum with effect from 01.11.2015 within the stipulated time as may be fixed by this Honble Court.

WP No.20122 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave) and other Benefits by calculating D.A. eligible

and 2013 wage Settlement effect as per newly implemented, with interest at 12% per annum with effect from 01.05.2016 within the stipulated time as may be fixed by this Honble Court.

WP No.20123 of 2016

Directing the respondents to disburse the payments relating to Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender 15 days in the year of 10/2000 by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.05.2011 within the stipulated time as may be fixed by this Honble Court.

WP No.20124 of 2016

Directing the respondents to disburse the payments relating to paid provident fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave) Labour Welfare Fund, IRD Share Amount, Pension Arrear amount and D.A. arrear by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.03.2016 within the stipulated time as may be fixed by this Honble Court.

WP No.20133 of 2016

Directing the Respondents 2 to 4, to settle the petitioners retirement benefits such Gratuity amount, Provident Fund, Commutation of Pension, Leave Encashment (EL) amount, Leave Encashment (ML) amount, Arrears of Leave Surrender for 3 years, Social Security scheme, Settlement arrears and leave on private affairs and other attendant benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 30.09.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD). Nos. 383 to 457 of 2015 dated 12.06.2015.

WP No.20134 of 2016

Directing the Respondents to settle the petitioners retirement benefits such as Provident Fund, Gratuity amount, Leave on Encashment (EL) amount, Leave on Encashment (ML) amount, Arrears of Leave Surrender (EL), Social Security Scheme and Settlement arrears, reimbursement of Medical college and Engineering college amount and other attendant benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 30.09.2015 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD). Nos. 383 to 457 of 2015 dated 12.06.2015.

WP No.20135 of 2016

Directing the Respondents 2 to 4, to settle the petitioners retirement benefits such as Gratuity amount, Commutation of Pension, Leave Encashment (EL) amount, Leave Encashment (ML) amount, Arrears of Leave Surrender for 4 years, Social Security Scheme and Leave on Private affairs and other attendant benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.10.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD). Nos. 383 to 457 of 2015 dated 12.06.2015.

WP No.20142 of 2016

Directing the 2nd respondent to disburse the retirement benefits of Gratuity amount of Rs.5,97,465/-, Provident Fund Contribution amount of Rs.5,65,926/- the total comes to Rs.11,63,391 (Eleven Lakhs sixty three thousand three hundred ninety one only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.04.2015 as Helper in the 2nd respondents office

WP No.20161 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2012 within the time stipulated by this Honourable Court

WP No.20162 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.6.2014 within the time stipulated by this Honourable Court

WP No.20163 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.11.2013 within the time stipulated by this Honourable Court

WP No.20164 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.6.2013 within the time stipulated by this Honourable Court

WP No.20165 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.4.2013 within the time stipulated by this Honourable Court.

WP No.20166 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2012 within the time stipulated by this Honourable Court

WP No.20167 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.3.2013 within the time stipulated by this Honourable Court

WP No.20168 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.3.2014 within the time stipulated by this Honourable Court

WP No.20169 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2014 within the time stipulated by this Honourable Court

WP No.20170 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.2.2015 within the time stipulated by this Honourable Court

WP No.20171 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.11.2015 within the time stipulated by this Honourable Court.

WP No.20172 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.3.2016 within the time stipulated by this Honourable Court

WP No.20173 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.5.2014 within the time stipulated by this Honourable Court

WP No.20174 of 2016

Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2015 within the time stipulated by this Honourable Court

WP No.20216 of 2016

Directing the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Labour Welfare Fund, IRT Share, the benefits of Earned and Unearned Leave and other retirement benefits payable to the petitioner with interest at the rate of 12% from 30.04.2016, the date of retirement.

WP No.20221 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Leave Surrender (Earned Leave and Old Medical Leave), by calculating D.A.Eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 1.6.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.20222 of 2016

Directing the respondents to disburse the payments relating to Gratuity Amount, Pension Commutation Amount, Leave Encashment (Earned Leave) and Settlement Arrears by calculating D.A.Elignible and 2013 wage settlement effect as per newly implemented, with interest at 12% per annum with effect from 1.6.2014 within the stipulated time as may be fixed by this Honourable Court.

WP No.20223 of 2016

Directing the respondents to disburse the payments relating to Gratuity and Leave Encashment amounts by calculating D.A.Elignible as per newly implemented, with interest at 12% per annum with effect from 1.6.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.20224 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Leave Salary by calculating D.A.Elignible as per newly implemented, with interest at 12% per annum with effect from 1.4.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.20225 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave and Old Medical Leave), by calculating D.A.Elignible and 2013 wage settlement effect as per newly implemented, with interest at 12% per annum with effect from 1.5.2015 within the stipulated time as may be fixed by this Honourable Court

WP No.20226 of 2016

Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment by calculating D.A.Elignible as per newly implemented, with interest at 12% per annum with effect from 1.11.2014 within the stipulated time as may be fixed by this Honourable Court.

Mr.J.Pradeep : for Petitioner in WP.20102 to 20106/16,20121 to 20124 & 20221 to 20226/16

Mr.V.S.Jagadeesan:in WP.20133 to 20135/16

Mr.D.Veerasekaran:in WP 20142/2016

Mr.T.Ananthasekar:in WP.20161 to 20174/16

Mr.A.Nagarathinam:in WP.20216/2016

Mr.S.Sairam

Senior Counsel :Respondents in WP.20102 to
20106 of 2016
20121 to 20124/2016
20133 to 20135/2016
20161 to 20166/2016
20167 to 20174/2016
20216/2016, 20221 to 20226/16
&
for 2nd Respondent in
WP.20142/2016

Mr.M.S.Ramesh AGP :for R1 in WP.20142/2016

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 10.08.2016.

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

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

paa

To

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram-605 602.
- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
- 3.The General Manager
Tamil Nadu State Transport Corporation
Villupuram Ltd
Kancheepuram Region, Kancheepuram
- 4.The Managing Director
Tamil Nadu State Transport Corporation(Salem)Ltd
12, Ramakrishna Road, Salem 636 007
- 5.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.
6. The Principal Secretary
The Government of Tamil Nadu
Transport Department Secretariat
Fort St.George Chennai-9
7. The Managing Director
Tamil Nadu State Transport Corporation
(CBE) Ltd Head Office
No.37, Mettupalayam Road,
Coimbatore 641 043
8. The Financial Advisor and Chief
Accounts Officer Tamil Nadu
State Transport Corporation(CBE) Ltd
Head Office No.37, Mettupalayam Road,
Coimbatore-641 043

9. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai Chennai-2

10. The Administrator
Tamil Nadu State Transport Corporation
(Salem) Ltd, Employees Post
Retirement Welfare Fund, Salem

+1 cc to M/s.A.Nagarathinam Advocate sr.32532

+1 cc to M/s.T.Ananthasekar Advocate sr.32604

+1 cc to M/s.D.Veerasekaran Advocate sr.32481

+3 ccsto M/s.V.S.Jagadeesan Advocate sr.32703

+2 ccsto Government pleader Advocate sr.33130,30131

+2 ccsto M/s.S.Sairam Advocate sr.32693, 32694

+15ccs to M/s.J.Pradeep Advocate sr.32635,32660 to 32673

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20121 to 20124 of 2016,
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