

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.20276 to 20279, 20345 to 20348,
20400, 20401, 20409 to 20414,
20434 and 20435 of 2016
[18 cases]

C.Soundararajan	...Petitioner in W.P.20276 of 2016
K.Perumal	...Petitioner in W.P.20277 of 2016
V.Ravi	...Petitioner in W.P.20278 of 2016
R.Balasubramanian (AR 0196)	...Petitioner in W.P.20279 of 2016
K.Palaniyandi	...Petitioner in W.P.20345 of 2016
R.Premkumar	...Petitioner in W.P.20346 of 2016
P.Shanmugam	...Petitioner in W.P.20347 of 2016
E.Devarajan	...Petitioner in W.P.20348 of 2016
M.Rajendran Staff No.41147	...Petitioner in W.P.20400 of 2016
J.Nandakumar Staff No.12648	...Petitioner in W.P.20401 of 2016
R.Thangavelu	...Petitioner in W.P.20409 of 2016
A.Jayaraman	...Petitioner in W.P.20410 of 2016
P.Rangaraj	...Petitioner in W.P.20411 of 2016
P.Kanakavel	...Petitioner in W.P.20412 of 2016
T.Rajan	...Petitioner in W.P.20413 of 2016
K.Chokkanathan	...Petitioner in W.P.20414 of 2016
R.Sakthivel Staff No.J10606	...Petitioner in W.P.20434 of 2016
R.Subramanian	...Petitioner in W.P.20435 of 2016

Vs

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

...1st Respondent in WPs.20276 to
20279 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.20276 to
20279 of 2016
...3rd Respondent in WPs.20400,

20401, 20434 & 20435 of 2016

The Principal Secretary to Government,
Transport Department,
Fort St. George, Chennai.

...1st Respondent in WPs.20345 to
20348 of 2016

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

...2nd Respondent in WPs.20345 to
20348, 20409 to 20414 of 2016
...1st Respondent in WPs.20434 &
20435 of 2016

The Managing Director,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai.

...3rd Respondent in WPs.20346, 20347,
20409, 20411, 20413 & 20414 of 2016

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

...1st Respondent in WPs.20400 &
20401 of 2016

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

...2nd Respondent in WPs.20400 &
20401 of 2016

The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy,
Villupuram 605 602.

...2nd Respondent in WP.20414 of 2016

The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,

Erode Region, Erode.

...2nd Respondent in WPs.20434 &
20435 of 2016

The Government of Tamil Nadu
Rep.by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai 09.

...1st Respondent in WPs.20409 to
20414 of 2016

These Writ Petitions are filed under Article 226 of the
Constitution of India to issue a writ of mandamus,

i) Directing the respondents to disburse the payments relating to gratuity, commutation, Family Welfare Fund, Earned Leave salary, IRT amount and arrears of salary by calculating D.A.eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.01.2015.(W.P.No.20276 of 2016)

ii) 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 01.07.2015. (W.P.No.20277 of 2016)

iii) Directing the respondents to disburse the payments relating to Gratuity, Commutation, Family Welfare Fund, Earned Leave Salary, IRT Amount and Arrears of salary by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.12.2015. (W.P.No.20278 of 2016)

iv) Directing the respondents to disburse the payments relating to Gratuity, Commutation, Family Welfare Fund, Earned Leave Salary, IRT Amount and Arrears of salary by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.11.2013. (W.P.No.20279 of 2016)

v) Directing the 2nd respondent to disburse the retirement benefits viz. Gratuity amount of Rs.10,00,000/-, Earned Leave Salary amount of Rs.5,56,816/-, Earned Leave Salary Arrears amount of Rs.82,785/-, Leave on Private Affairs amount of Rs.2,08,806/-. All totally comes to Rs.18,48,407/- (Rupees Eighteen Lakhs Forty Eight Thousand Four Hundred and Seven Only) with 18% interest on delayed payment to the petitioner who is

retired from service on 30.04.2013 as Deputy Manager in the 2nd respondent's office. (W.P.No.20345 of 2016)

vi) Directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Pension Commutation amount Rs.8,31,039/- Gratuity amount of Rs.10,00,000/-, Provident Fund Contribution amount of Rs.7,72,354/-, Earned Leave Salary amount of Rs.7,48,160/-, Leave on Private Affairs amount of Rs.3,20,640/- and Social Security Scheme Fund of Rs.46,900/-. All totally comes to Rs.37,19,093/- (Rupees Thirty Seven Lakhs Nineteen Thousand and Ninety Three Only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.01.2016 as Manager in the 2nd respondent's office. (W.P.No. 20346 of 2016)

vii) Directing the 2nd & 3rd respondents to disburse the retirement benefits of Pension Commutation amount Rs.8,23,204/-, Gratuity amount of Rs.10,00,000/-, Provident Fund Contribution amount of Rs.17,83,291/-, Earned Leave Salary amount of Rs.8,29,935/-, Earned Leave Salary Arrears amount of Rs.2,16,736/-, Leave on Private Affairs amount of Rs.3,29,526/- and the total comes to Rs.49,82,692/- (Rupees Forty Nine Lakhs Eighty Two Thousand Six Hundred and Ninety Two Only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.01.2016 as Manager in the 2nd respondent office. (W.P.No.20347 of 2016)

viii) Directing the 2nd respondent to disburse the retirement benefits viz. Gratuity amount of Rs.10,00,000/-, Provident Fund Contribution amount of Rs.7,24,613/-, Earned Leave Salary amount of Rs.8,56,504/-, Earned Leave Salary Arrears amount of Rs.1,08,149/-, Leave on Private Affairs amount of Rs.3,20,520/-. All totally comes to Rs.30,09,786/- (Rupees Thirty Lakhs Nine Thousand Seven Hundred And Eighty Six Only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.06.2015 as Manager in the 2nd respondent office. (W.P.No.20348 of 2016)

ix) Directing the respondent, to settle the petitioner retirement benefits including Gratuity, Commutation, EL Surrender and Security deposit, IRT amount and welfare amount 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., 29.02.2016 to till date of actual payment to the petitioner. (W.P.No.20400 of 2016)

x) Directing the respondents, to settle the petitioner retirement benefits including Leave Salary, Gratuity, Commutation and IRT amount 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. 31.08.2015 to till date of actual payment to the petitioner. (W.P.No.20401 of 2016)

xi) Directing the respondents, to settle the petitioner's retirement benefits such as Gratuity amount, Provident Fund, Social Security Scheme, settlement arrears, Leave Encashment (ML-98), Leave Encashment (EL), DA arrears and other eligible retirement benefits with 18% interest on delayed payment to the petitioner from 30.11.2015 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 12.6.2015. (W.P.No.20409 of 2016)

xii) Directing the respondents, to settle the petitioner's retirement benefits such as Gratuity amount, Provident Fund, Social Security Scheme, settlement arrears, DA arrears, Leave Encashment (ML-98) and other eligible retirement benefits after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.9.2015 the date of voluntary 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 12.6.2015. (W.P.No.20410 of 2016)

xiii) Directing the respondents, to settle the petitioner's retirement benefits such as Gratuity amount, Provident Fund, Social Security Scheme, Leave Surrender for four years, Settlement Arrears, DA arrears, Leave Encashment (ML-98), Leave Encashment (EL), and other eligible retirement benefits after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.11.2015 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 12.6.2015. (W.P.No.20411 of 2016)

xiv) Directing the respondents, to settle the petitioner's retirement dues such as Encashment of Leave Salary (EL) and Leave on Private Affairs with 18% interest on delayed payment to the petitioner from 31.3.2011 the date of retirement to till the date of settlement of the retirement benefits to the

petitioner by following the order passed in W.A. (MD). Nos. 383 to 457 of 2015 dated 12.6.2015. (W.P.No.20412 of 2016)

xv) Directing the respondents, to settle the petitioner's retirement benefits such as Gratuity amount, Leave surrender for forty five years, Encashment of Leave (EL), Encashment of Leave (ML-98) and eligible other retirement benefits after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 31.5.2014 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 12.6.2015. (W.P.No.20413 of 2016)

xvi) Directing the respondents, to settle the petitioner's retirement benefits such as Gratuity amount, Commuted Value of Pension Leave, Encashment Amount (EL), Leave Encashment (ML-98), Pension Arrears Amount and PF Arrears Amount after duly taken into account the enhanced dearness allowance and settlement benefits with 18% interest on delayed payment to the petitioner from 30.4.2015 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 12.6.2015. (W.P.No.20414 of 2016)

xvii) Directing the respondents, to settle the petitioner's retirement benefits including leave salary, gratuity, Commutation, Dearness Allowance arrears and previous Leave Surrender 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 voluntary retirement i.e. 30.09.2014 to till date of actual payment to the petitioner. (W.P.No.20434 of 2016)

xviii) Directing the respondents to settle the petitioner's retirement benefits including leave salary, gratuity, Commutation, Dearness Allowance arrears and previous Leave Surrender 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 voluntary retirement i.e. 30.09.2014 to till date of actual payment to the petitioner. (W.P.No.20435 of 2016)

For Petitioners : Mr.J.Pradeep

in W.P.Nos.20276 to 20279 of 2016

Mr.D.Veerasekaran
in W.P.Nos.20345 to 20348 of 2016

Mr.T.Pappaiah Dharmarajan
in W.P.Nos.20400, 20401, 20434
and 20435 of 2016

Mr.V.S.Jagadeesan
in W.P.Nos.20409 to 20414 of 2016

For Respondents : Mr.P.Paramasivados
Standing Counsel for Transport
Corporation in W.P.Nos.20276 to
20279 of 2016

Mr.S.Sairaman
Standing Counsel for Transport
Corporation
in W.P.Nos.20345 to 20348, 20400
& 20401, 20409 to 20414, 20434 &
20435 of 2016

COMMON ORDER

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 and Mr.P.Paramasivadosh and Mr.S.Sairaman, learned Standing Counsel for the respective respondent-Transport Corporations, 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 II)

//True Copy//

Sub Assistant Registrar

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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 Principal Secretary to Government,

Transport Department,
Fort St. George,
Chennai.

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

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

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

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

8.The General Manager,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Erode Region, Erode.

+2ccs to Mr.T.Pappaiah Dharmarajan, Advocate SR NO 33066
[05/07/16]

+4cc's to Mr.J.Pradeep, Advocate, S.R.Nos.33890 to 86893

+6cc's to Mr.V.S.Jagadeesan, Advocate, S.R.No.33169

+2cc's to Mr.T.Pappaiah Dharmarajan, Advocate, S.R.No.33067

+1cc to Mr.S.Sairaman, Advocate, S.R.No.33438

+4cc's to Mr.D.Veerasekaran, Advocate, S.R.Nos.33060 to 33063

+1cc to the Government Pleader, S.R.No.33307

W.P.Nos.20276 to 20279, 20345 to 20348,
20400, 20401, 20409 to 20414,
20434 and 20435 of 2016
[18 cases]

SCD(CO)
CA(04/07/2016)