

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 20461 of 2016, 20462 of 2016
20517 of 2016, 20548 to 20550 of 2016,
20585 of 2016, 20599 to 20606 of 2016,
20607 to 20615 of 2016 and
20635 to 20638 of 2016

Prayer in W.P.No. 20461 of 2016:-

R.Muthukrishnan .. Petitioner
Vs.

M/s.Tamil Nadu State Transport
Corporation (Coimbatore)
Division Limited
rep. by its Managing Director
37, Mettupalayam Road
Coimbatore. ... Respondent

Prayer in Writ Petition No.20461 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle terminal benefits of the petitioner of Gratuity amount of Rs.1,00,000/-, 300 days of earned leave surrender amount of Rs.6,04,899/-, 90 days of medical leave surrender amount of Rs.1,81,470/- altogether a sum of Rs.17,86,368/- with interest at the rate of 12% taking into consideration the representation of the petitioner on various dates including the one on 23.05.2016 and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case; W.P.20462 of 2016:

N.Sekar S/o.Natesan [PETITIONER]

M/s.State Express Transport
Corporation Ltd Rep. by its Managing
Director No.2 Pallavan Salai,
Chennai-600 002. [RESPONDENT]

To issue a Writ of Mandamus or any other writ or order or direction in the nature of Writ, directing the Respondents to settle the terminal benefits of the petitioner of Provident Fund

amount of Rs.2,50,0,000/- Encashment of 231 days of earned leave and medical leave amount of Rs.2,40,000/- 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/- commutation of pension amount of Rs.1,74,586/- and Refund of LIC amount remitted from the petitioner provident fund amount of Rs.65,150/- altogether a sum of Rs.7,69,236/- with interest at the rate of 6% taking into consideration of the representation of the petitioner on various dates including the one on 07.06.2016.

W.P.20517 of 2016:

M.Hanifa S/o.A.Mohammed

[PETITIONER]

Vs

M/s.State Express Transport Corporation Ltd Rep by its Managing Director No.2 Pallavan Salai Chennai-600 002.

[RESPONDENT]

Writ of Mandamus or any other writ or order or direction in the nature of Writ, directing the Respondents to settle the terminal benefits of the petitioner of Gratuity amount of Rs.4,70,000/- Leave Salary for 198.5 days amount of Rs.2,55,000/- Commutation amount of Rs.2,25,000/- Social Security Scheme amount of Rs.35,000/- and Erode Engineering College Perundurai medical College and polytechnic deposit withdrawal amount of Rs.4,500/- altogether a sum of Rs.10,30,000/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner on various dates including the one on 14.06.2016.

W.P.20548 of 2016:

R.Devaraj

[PETITIONER]

Vs

1 Principal Secretary to Govt.
Transport Department Fort St.George
Chennai-600 009.

2 The Managing Director
Tamil Nadu State Transport
Corporation (CBE)
Ltd. 37 Mettupalayam Road
Coimbatore-641 043.

[RESPONDENTS]

To issue a writ of Mandamus or any other Writ of direction directing the 2nd respondent to disburse the retirement benefits of Gratuity amount of Rs.10,00,000/- and Surrender Leave Salary

arrears amount of Rs.72,091/- Surrender Leave Salary amount Rs.7,95,642/- Provident Fund Contribution amount of Rs.27,04,491/- and Leave on Private Affairs is Rs.3,20,520/- and totally comes to Rs.48,92,744/- (Forty eight lakhs ninety two thousand seven hundred and forty four only) with 18% interest on delayed payment to the petitioner who retired from service on 31.07.2015 as Manager in the 2nd respondent office.

WP.No.20549 of 2016:

V.R.Arunachalam

[PETITIONER]

Vs

1 Principal Secretary to Govt.
Transport Department
Fort St.George
Chennai-600 009.

2 The Managing Director
Tamil Nadu State Transport
Corporation (CBE)
Ltd. 37 Mettupalayam Road
Coimbatore-641 043.

[RESPONDENT]

Writ of Mandamus or any other writ or direction directing the 2nd respondent to disburse the retirement benefits viz. Gratuity amount of Rs.10,00,000/- Earned Leave Salary amount of Rs.8,69,000/- Leave on Private Affairs amount of Rs.3,20,000/-. All totally comes to Rs.21,89,000/- (Rupees Twenty one Lakhs eight nine thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.11.2014 as Manager-Accounts in the 2nd respondent office.

WP.20550 of 2016:

N.Doraisamy

[PETITIONER]

सत्यमेव जयते

Vs

1 Principal Secretary to Govt.
Transport Department Fort St.George
Chennai-600 009.

2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd. 37 Mettupalayam Road
Coimbatore-641 043.

[RESPONDENTS]

To issue a writ of Mandamus or any other writ or direction directing the 2nd respondent to disburse the retirement benefits of Gratuity amount of Rs.10,00,000/- Surrender Leave Salary amount Rs.7 76 072/- Provident Fund Contribution amount of

Rs.4,62,183/- Leave on Private affairs amount to Rs.1,00,000/- and totally comes to Rs.23,38,255/- (Twenty three lakhs thirty thousand two hundred and fifty five only) with 18% interest on delayed payment to the petitioner who retired from service on 31.01.2016 as Deputy Manager in the 2nd respondent office.

WP.20585 of 2016:

P.Karunanidhi

[PETITIONER]

Vs

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12 Ramakrishna Road
Salem- 636 007.
- 2 The General Manager
Tamil nadu State Transport Corporation
(Salem) Ltd. Dharmapuri Region Dharmapuri.
- 3 The Administrator
Tamil nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai Chennai-600 002.

[RESPONDENTS]

Writ of Mandamus under article 226 of the constitution of India to direct the respondents to disburse the payments relating to Gratuity Commutation Surrender Leave Salary by calculating DA eligible and 2013 wage settlement effect as per new implemented with interest at 12% per annum with effect from 01.07.2012 within time stipulated by this Honble Court.

WP.Nos.20599 to 20606 of 2016:

- | | |
|----------------|----------------------------------|
| N. Subramanian | ..Petitioner in WP.20599 of 2016 |
| M. Murugan | ..Petitioner in Wp.20600 of 2016 |
| K. Saroja | ..Petitioner in Wp.20601 of 2016 |
| S. Veerappan | ..Petitioner in Wp.20602 of 2016 |
| R. Asokan | ..Petitioner in Wp.20603 of 2016 |
| R. Siddhan | ..Petitioner in Wp.20604 of 2016 |
| S.Lurthuraj | ..Petitioner in Wp.20605 of 2016 |
| B. Tamilmani | ..Petitioner in Wp.20606 of 2016 |

vs.

1.The Managing Director,
Tamil Nadu State Transport Corpn.
(Salem) Ltd., Salem.

..1st Respondent in 20599, 20600,
20601, 20602, 20603, 20605,
20605, 20606/16

2. The Administrator
Tamil Nadu State Transport
Corporation (Salem) Limited
Employees Post Retirement
Welfare Fund Scheme Thiruvalluvar House

Pallavan Salai Chennai 2. ..2nd Respondent in 20599, 20600,
20601, 20602, 20603, 20605,
20605, 20606/16

WP.Nos.20599 to 20606 of 2016: Petition U/Article 226 of constitution of India praying this court to issue a writ of Mandamus 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, 1.7.2015, 1.6.2014, 1.6.2016, 1.6.2016, 1.8.2015, 1.9.2015, 1.6.2015, respectively within a time stipulated by this Hon'ble Court.

W.P.20607 of 2016:

S.Rangasamy

[PETITIONER]

Vs

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

[RESPONDENT]

Petition filed under Article 226 of the constitution of India pleaded to issue a writ of Mandamus directing the respondent 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.20608 of 2016:

R.Gunasekaran

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus, directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.8.2011 within the time stipulated by this Honourable Court;

W.P.20609 of 2016:

M.Pari

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus, directing the respondent 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;

W.P.NO.20610 of 2016:

P.Sampoornam

[PETITIONER]

Vs

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

[RESPONDENTS]

Writ of Mandamus, directing the respondent 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;

W.P.20611 of 2016:

S.Ponnusamy

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus, directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.3.2012 within the time stipulated by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit.

W.P.20612 of 2016:

V.Asokan

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus, directing the respondent 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;

W.P.20613 of 2016:

E.Sivakumar

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.10.2012 within the time stipulated by this Honourable Court.

W.P.20614 of 2016:

R.Lakshmi Reddy

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2013 within the time stipulated by this Honourable Court and pass such further or other orders as this Hon'ble Court may deem fit.

W.P.NO.20615 of 2016:

N.Stalin

[PETITIONER]

Vs

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

[RESPONDENT]

Writ of Mandamus, directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.1.2013 within the time stipulated by this Honourable Court
W.P.NO.20635 of 2016:

S.Duraisamy

[PETITIONER]

Vs

1 The Principal Secretary to
Government Transport Department
Fort St. George Chennai-600 009

2 The Managing Director
Tamil Nadu State Transport Corporation
(CBE) Ltd 37 Mettupalayam Road
Coimbatore-641 043

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

[RESPONDENTS]

Writ of Mandamus or any other Writ or direction directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Pension Commutation amount Rs.2,78,000/- Gratuity amount of Rs.6,75,000/- Earned Leave Salary amount of Rs.2,80,000/- Salary difference arrears amounts to Rs.42,000/- All totally comes to Rs.12,75,000/- (Rupees Twelve Lakhs Seventy five thousand only) with 18% interest on delayed payment to the petitioner S.Duraisamy PR NO.J13024 who is retired from service on 30.04.2014 as Senior Checking Inspector in the 2nd respondents office.

W.P.20636 of 2016:

S.Palanivel

[PETITIONER]

Vs

- 1 The Principal Secretary to
Government Transport Department Fort St.
George Chennai-600 009
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
Coimbatore-641 043
- 3 The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-600 002 [RESPONDENTS]

Writ of Mandamus or any other Writ or directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Pension Commutation amount Rs.3,25,967/- Gratuity amount of Rs.9,09,172/- Earned Leave Salary amount of Rs.144505/- Salary difference arrears amounts to Rs.20,000/-and social security scheme Fund of Rs.34,615/- All totally comes to Rs.14,34,259/- (Rupees Fourteen lakhs Thirty four thousand two hundred and fifty nine only) with 18% interest on delayed payment to the petitioner namely S.Palanivelu- PR NO.J13132 who is retired from service on 31.05.2015 as Senior Checking Inspector in the 2nd respondents office.

WP.20637 of 2016:

C.Kolandasamy [PETITIONER]

Vs

- 1 The Principal Secretary to [RESPONDENT]
Government Transport Department Fort St.
George Chennai-600 009
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
Coimbatore-641 043
- 3 The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar House
Pallavan Salai Chennai-600 002

Writ of Mandamus or any other Writ of direction directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Pension Commutation amount Rs.3,04,467/- Gratuity amount of

Rs.8,81,186/- Earned Leave Salary amount of Rs.4,65,234/- Salary difference arrears amounts to Rs.19,000/-and social security Fund amounts to Rs.38,000/- All totally comes to Rs.17,08,517/- (Rupees Seventeen Lakhs Eight thousand five hundred and seventeen only) with 18% interest on delayed payment to the petitioner viz. Kolandasamy PR NO.J13068 who is retired from service on 31.01.2015 as Senior Checking Inspector in the 2nd respondents office.

W.P.20638 of 2016:

V.Parameshwaran

[PETITIONER]

Vs

- 1 The Principal Secretary to
Government Transport Department Fort St.
George Chennai-600 009
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road Coimbatore-641
043
- 3 The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-600 002 [RESPONDENTS]

Writ of Mandamus or any other writ of direction directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Pension Commutation amount Rs.3,03,063/- Gratuity amount of Rs.8,52,000/- Earned Leave Salary amount of Rs.4,88,800/- Salary difference arrears amounts to Rs.19,000/-and social security scheme Fund of Rs.36,000/- All totally comes to Rs.16,98,863/- (Rupees sixteen lakhs Ninety eight thousand Eight hundred and sixty three only) with 18% interest on delayed payment to the petitioner namely V.Parameswaran PR NO.J13093 who is retired from service on 31.01.2015 as Senior Checking Inspector in the 2nd respondents office.

For Petitioner : Mr.D.Soundarraaj
in W.P.No.20461/2016

For Respondent : Mr.Paramasivadoss
in W.P.No.20461/2016 Standing Counsel
for Transport Corporation

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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

paa

To

- 1 The Principal Secretary Transport Department,
Fort St. George, Chennai-9
- 2 The Managing Director M/s.Tamil Nadu
State Transport
Corporation (Coimbatore) Division Limited
37, Mettupalayam Road
Coimbatore.
- 3 The Managing Director
State Express Transport Corporation
Chennai-2
- 4 The Manager Director,
Tamil nadu State Transport Corporation
(Salem) Ltd. Dharmapuri Region Dharmapuri.
- 5 The Administrator
Tamil nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Chennai-600 002.

+ 6 ccs to Mr.D. Veerasekaran, Advocate SR.33469, 33442, 33464, 33465, 33466, 33463/16

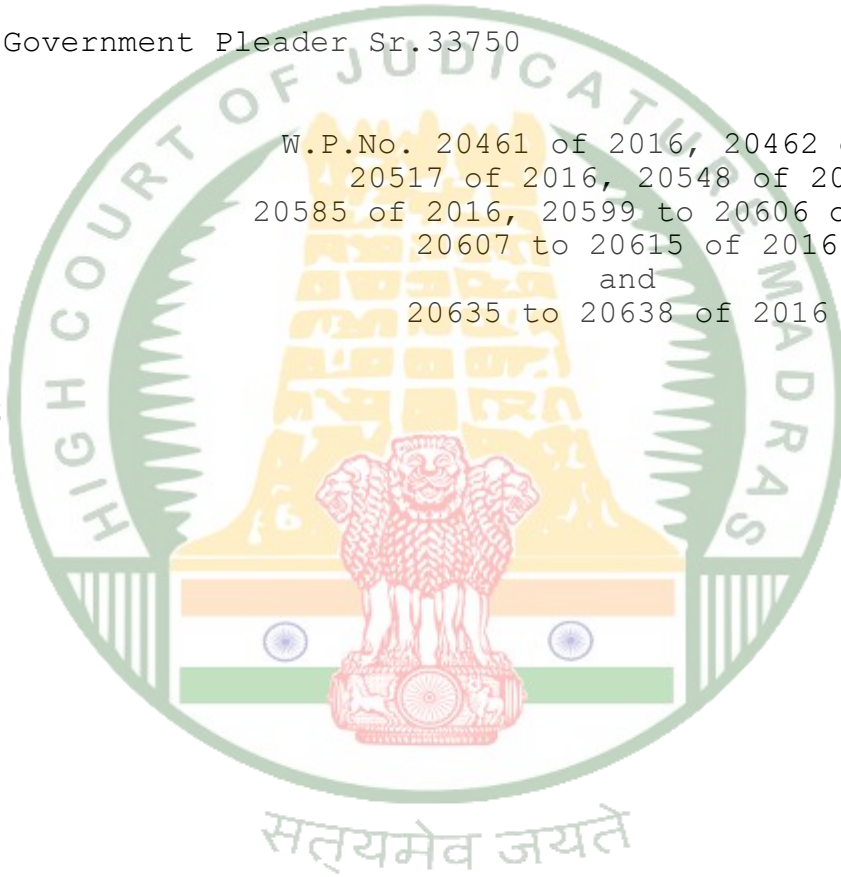
+ 3 ccs to Mr.D. Soundar Raj, Advocate Sr.33904, 33903, 33902/16
+ 1 cc to Mr.K. Thiruvengadam, Advocate Sr.33581

+ 4 ccs to Mr.P. Paramasiva Doss, Advocate Sr.33909, 33910, 33911, 33913,

+ 1 cc to Government Pleader Sr.33750

W.P.No. 20461 of 2016, 20462 of 2016
20517 of 2016, 20548 of 2016,
20585 of 2016, 20599 to 20606 of 2016,
20607 to 20615 of 2016
and
20635 to 20638 of 2016

VGI (CO)
Eu 28.7.16



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