

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 20894 to 20897 of 2016, 20915 of 2016
20987 to 20990 of 2016, 21053 to 21057 of 2016,
21067 of 2016 and 21100 of 2016

1 T.MUNUSAMY (CI-13722) ... PETITIONER in WP No.20894 of 2016
1 S.RAMAMOORTHY ... PETITIONER in WP No.20895 of 2016
1 N.SRIDHARAN (AS 0091) ... PETITIONER in WP No.20896 of 2016
1 L.SUBRAMANI TR0393 ... PETITIONER in WP No.20897 of 2016
1 MR.M.GURURAJ ... PETITIONER in WP No.20915 of 2016
1 A.RAJENDRAN ... PETITIONER in WP No.20987 of 2016
1 V.M.RAJAN ... PETITIONER in WP No.20988 of 2016
1 S.MANIAN ... PETITIONER in WP No.20989 of 2016
1 L.SIVANAN ... PETITIONER in WP No.20990 of 2016
1 S.CHANDRASEKARAN ... PETITIONER in WP No.21053 of 2016
1 K.ELANGOVAN ... PETITIONER in WP No.21054 of 2016
1 S.SIVAPRAKASAM CR 2581 ... PETITIONER in WP No.21055 of 2016
1 K.NARAYANAN CR.2315 ... PETITIONER in WP No.21056 of 2016
1 S.THOPPALAN CR 2452 ... PETITIONER in WP No.21057 of 2016
1 S.SANKAR ... PETITIONER in WP No.21067 of 2016
1 R.KRISHNAMARAJU (DR-41897) ... PETITIONER in WP No.21100 of 2016

vs

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VILLUPURAM-605 602.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. KANCHEEPURAM REGION
KANCHEEPURAM.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20894 of 2016

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM- 605 602.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE- 632 009.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ...RESPONDENTS IN W.P.NO.20895 OF 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNA ROAD SALEM-
636 007. ... RESPONDENT in WP No.20896 of 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNA ROAD SALEM-
636 007.
- 2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20897 of 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(COIMBATORE) LIMITED 37 METTUPALAYAM ROAD
COIMBATORE-641 043.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(COIMBATORE) LIMITED 37 METTUPALAYAM ROAD
COIMBATORE-641 043. ... RESPONDENT in WP No.20915 of 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM- 605 602.

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE- 632 009.

3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20987 of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM- 605 602.

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE- 632 009.

3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20988 of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM- 605 602.

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE- 632 009.

3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20989 of 2016

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM- 605 602.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE- 632 009.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.20990 of 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED NO.12 RAMAKRISHNAN ROAD
SALEM 636 007
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED NO.12 RAMAKRISHNAN ROAD
SALEM 636 007
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI 2
... RESPONDENTS in WP
No.21053,21054,21055,21056,
21057 of 2016
- 1 M/S.STATE EXPRESS TRANSPORT
CORPORATION LTD REP BY TS MANAGING DIRECTOR
NO.2 PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.21067 of 2016
- 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 ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI 2 ... RESPONDENT in WP No.21100 of 2016

WP No.20894 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to provident Fund, Gratuity, Pension Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Settlement arrears, by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.06.2015 within the stipulated time as may be fixed by this Honble Court.

WP No.20895 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus 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 01.04.2016 within the stipulated time as may be fixed by this Honble Court.

WP No.20896 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to provident Fund, Gratuity, 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 01.08.2013 within the stipulated time as may be fixed by this Honble Court.

WP No.20897 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation and 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 01.02.2014 within the stipulated time as may be fixed by this Honble Court.

WP No.20915 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the retirement benefits such as Gratuity, Earned Leave and Medical Leave Encashment, Dearness Allowance, Settlement Arrears, Social Welfare Fund, SSS Fund and commutation amount with interest at the rate of 12% per annum payable from the date of retirement viz. 31.05.2015 till the date of actual payment immediately

WP No.20987 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave and Old Medical Leave) amount 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 01.05.2016 within the stipulated time as may be fixed by this Honble Court.

WP No.20988 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave and Old Medical Leave) D.A. arrear amount, 12(3) settlement arrear, Pension arrears amount 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 01.07.2014 within the stipulated time as may be fixed by this Honble Court.

WP No.20989 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave and Old Medical Leave) and D.A. Arrears, 12(3) settlement arrears, Pension arrear amount 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 01.07.2014 within the stipulated time as may be fixed by this Honble Court.

WP No.20990 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Surrender (Earned Leave and Old Medical Leave) amount 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 01.07.2015 within the stipulated time as may be fixed by this Honble Court.

WP No.21053 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity, Commutation, EL Surrender and 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., 29.2.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.21054 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity, Commutation, EL Surrender and 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., 31.1.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.21055 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity, Commutation, EL Surrender and 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., 31.12.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.21056 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity, Commutation, EL Surrender and 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., 31.5.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.21057 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to settle the petitioners retirement benefits including Gratuity, Commutation, EL Surrender and 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., 30.9.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.21067 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus Directing the Respondent to settle the terminal benefits of the petitioner of Earned Leave and Medical Leave for 205 days amount of Rs.1,75,000/- Social Security Scheme amount of Rs.35,000/- and Interest for three years for Belated payment of Provident Fund amount of Rs.36619/- altogether a sum of Rs.2,46,619/- with interest at the rate of 6% per annum taking into consideration of the representation of the Petitioner on 16.06.2016.

WP No.21100 of 2016

Writ Petition filed Under Article 226 of the constitution of India Praying to issue a Writ of Mandamus directing the respondents to disburse the payments relating to provident fund, gratuity, pension commutation, settlement arrears by calculating

D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 1.6.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner
in W.P.No.20894 to 20897/16
and W.P.20987 to 20990/16
and W.P.21100/16 : Mr.J.Pradeep

For Respondents
in W.P.No.20894 to 20897/16
and W.P.20987 to 20990/16
and W.P.21053 to 21057/16
and W.P.21067/16 & W.P.21100/16 : Mr.Paramasivadoss
Standing Counsel for Transport Corporation

For Petitioner
in W.P. No.20915/16 : Mr.N.Chandra Raj
for M/S Raj and Raj Associates

For Respondents
in W.P.20915 /16 : Mr.S.Sairaman
Standing Counsel for Transport Corporation

For Petitioners
in W.P.21053 to
21057/16 : Mr.T.Pappaiah Dharmarajan

For Petitioner
in W.P.21067/16 : Mr.D.Soundrar Raj

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 15.08.2016.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VILLUPURAM-605 602.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. KANCHEEPURAM REGION
KANCHEEPURAM.
- 3 THE ADMINISTRATOR
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EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
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- 4 THE GENERAL MANAGER
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VELLORE- 632 009.
- 5 THE MANAGING DIRECTOR
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(COIMBATORE) LIMITED 37 METTUPALAYAM ROAD
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- 6 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(COIMBATORE) LIMITED 37 METTUPALAYAM ROAD
COIMBATORE-641 043.

- 7 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED NO.12 RAMAKRISHNAN ROAD
SALEM 636 007
- 8 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED NO.12 RAMAKRISHNAN ROAD
SALEM 636 007
- 9 M/S.STATE EXPRESS TRANSPORT
CORPORATION LTD REP BY TS MANAGING DIRECTOR
NO.2 PALLAVAN SALAI
CHENNAI-600 002.

+9cc to Mr.J.Pradeep, Advocate
Sr.34327,34326,34325,24324,24322,34321,34319,24320,24328
+1cc to Mr.D.Soundarraaj, Advocate SR.34295
+5cc to Mr.T.Pappaiah Dharma Rajan, Advocate Sr.34329
+5cc to Mr.P.ParamasivaDoss, Advocate
Sr.35072,35071,35069,35070,35068

W.P.No.20894 to 20897 of 2016, 20915 of 2016
20987 to 20990 of 2016, 21053 to
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