

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.21175 of 2016,21184 of 2016,21213 and 21214 of 2016,21218 to 21220 of 2016,21313 of 2016,21337 to 21346 of 2016,21359 and 21360 of 2016 and 21366 to 21373 of 2016
[28 cases]

K.Chandrasekaran	..	Petitioner in WP.21175/16
S.Ashokan	..	Petitioner in WP.21184/16
K.R.Palaniswamy	..	Petitioner in WP.21213/16
V.Rajan	..	Petitioner in WP.21214/16
M.K.Sasidharan	..	Petitioner in WP.21218/16
P.Karunanithi	..	Petitioner in WP.21219/16
C.Thirumalai	..	Petitioner in WP.21220/16
A.Mohan	..	Petitioner in WP.21313/16
R.Palaniswamy	..	Petitioner in WP.21337/16
R.Subramanian	..	Petitioner in WP.21338/16
E.N.Rajamanickam	..	Petitioner in WP.21339/16
P.Sivaraman	..	Petitioner in WP.21340/16
R.Manoharan	..	Petitioner in WP.21341/16
K.Nattarayasaamy	..	Petitioner in WP.21342/16
G.Gopal	..	Petitioner in WP.21343/16
K.Jayabalan	..	Petitioner in WP.21344/16
A.Mani	..	Petitioner in WP.21345/16
A.Sundaram	..	Petitioner in WP.21346/16
C.Kolanchi	..	Petitioner in WP.21359/16
G.Kolanchi	..	Petitioner in WP.21360/16
R.Krishnan	..	Petitioner in WP.21366/16
R.Chandran	..	Petitioner in WP.21367/16
G.Gunasekaran	..	Petitioner in WP.21368/16
S.Rajasekaran	..	Petitioner in WP.21369/16
C.Velu	..	Petitioner in WP.21370/16
K.Chellamuthu	..	Petitioner in WP.21371/16
R.Govindasamy	..	Petitioner in WP.21372/16
C.Sekaran	..	Petitioner in WP.21373/16

vs

M/s.State Express Transport
Corporation Ltd Rep by its Managing
Director No.2 Pallavan Salai
Chennai-600 002 ...Respondent in WP.21184/16

1 The Principal Secretary to
Government Transport Department Fort St.

George Chennai-600 009. ...R1 in WP.21214/16

- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
coimbatore-641 043 ...R1 & R2 in WP.21213/16
 - 1 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy-Post
Villupuram-605 602 ...R2 in WP.21219/16 & 21220/16
 - 2 The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai
Chennai-600 002. ...R2 & R3 in WP.21214/16
 - 1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-600 009 ...R1 in WP.21218, 21219 & 21220/16
 - 2 State Express Transport
Corporation Ltd Rep. by its Managing
Director Pallavan Salai
Chennai-600 002 ...R2 in WP.21210/16
 - 3 The Financial Advisor
and Chief Accounts Officer Tamil Nadu State
Transport Corporation (VPM) Ltd 3/137
Salamedu Valuthareddy-Post
Villupuram-605 602 ...R3 in WP.21219/16
- M/s.State Express Transport
Corporation Ltd Rep by its Managing
Director No.2 Pallavan Salai
Chennai-600 002 ...R3&R4 in WP.21313/16

Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
coimbatore-641 043
Rep by Its Managing Director

The General Manager,
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
coimbatore-641 043

The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai
Chennai-600 002. ..R3 in WP.21360/16

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

The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy-Post
Villupuram-605 602 ..R1 & R2 in WP.21359/16 & 21360/16

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Road
Salem-636 007. ..R1 in WP.21366/16 & 21369 to 21373/16

2 The Administrator

TN State Transport Corporation (Salem) Ltd
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-2. ..R2 in WP.21369 to 21373/16

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.03.2013 within the time stipulated by this Court.

WP.No.21184/16:

The Hon'ble Court may be pleased to issue a writ of mandamus directing the Respondents to settle the terminal benefits of the petitioner of 271.5 days of Earned leave and medical leave amount of Rs.2 28 240/- and social security scheme amount of Rs.35 000/- altogether a sum of Rs.2 63 240/- 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 15.06.2016.

WP.No.21213/16:

The High Court will be pleased to issue a writ of mandamus directing the 2nd respondent to disburse the retirement benefits viz. Gratuity amount of Rs.10 00 000/- Provident Fund contribution amount of Rs.4 41 786/- Earned Leave Salary amount of Rs.5 38 591/- Earned Leave Salary arrears amount Rs.60049/- Social Security Fund Amount

Rs.36 000/- and Leave on Private Affairs amount to Rs.2 01 972/- All totally comes to Rs.22 78 398/- (Rupees Twenty two lakhs Seventy eight thousand three hundred and ninety eight only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.03.2016 as Assistant Manager in the 2nd respondents office.

WP.No.21214/16:

To issue a Writ of Mandamus or any other writ or direction directing the 2nd and 3rd respondent to disburse the retirement benefits of pension Commutation amount of Rs.8 44 225 Gratuity amount of Rs.10 00 000/- Surrender Leave Salary amount Rs.4 75 000/- Surrender leave arrears salary amount to Rs.1 07 492/- Leave on private affairs amount to Rs.1 00 000/- Welfare fund amount to Rs.45 000/- and totally comes to Rs.25 71 717/- (Twenty five lakhs seventy one thousand seven hundred and seventeen only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.05.2016 as Assistant Manager in the 2nd respondents office.

WP.No.21218/16:

To issue a Writ of Mandamus or any other writ or direction directing the respondents to settle the petitioner retirement benefits such as Leave on Encashment (EL) amount Leave on Encashment (ML) Social Security Scheme Difference in Gratuity and Leave on Private Affairs and other eligible benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 30.11.2012 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.21219/16:

To issue a Writ of Mandamus or any other writ or direction directing the respondents to settle the petitioner gratuity amount and other eligible amount after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 30.11.2012 the date of voluntary retirement to till the date of settlement of the gratuity amount to the petitioner by following the order passed in W.A.(MD).Nos. 383 to 457 of 2015 dated 12.06.2015.

WP.21220/16:

To issue a Writ of Mandamus or any other writ or direction directing the respondents to settle the petitioner retirement benefits such as Leave on Encashment (EL) amount Leave on Encashment (ML) Social Security Scheme Difference in Gratuity and Leave on Private Affairs and Engineering college and Medical College subscription amount and other eligible benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.10.2013 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.21313/16: Writ of mandamus, directing the Respondent to settle the terminal benefits of the petitioner of Gratuity amount of Rs.8 00 300/- Commutation amount of Rs.2 86 000/- Encashment of earned leave amount of Rs.1 10 794/- Social Security scheme amount of Rs.35 000/- and Refund of Deposit amount paid towards Erode Engineering College Perundurai Medical College and Polytechnic amount of Rs.4 500/- altogether a sum of Rs.12 36 594/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner on 20.05.2016.

WP.No.21337/16: To issue a Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21338/16: To issue a Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity Provident Fund Commutation Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21339/16: To issue a Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21340/16: To issue a Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21341/16: To issue a Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21342/16: To issue a Writ of Mandamus, directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21343/16: To issue a Writ of Mandamus, directing the respondents to pay the petitioner all his retirement benefits including Gratuity Provident Fund Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21344/16: To issue a Writ of Mandamus, directing the respondents to pay the petitioner all his retirement benefits of Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21345/16: To issue a Writ of Mandamus, directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21346/16: To issue a Writ of Mandamus, directing the respondents to pay the petitioner all his retirement benefits including Gratuity Leave Salary and other benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable 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 within the time frame that may be stipulated by this Honourable Court.

WP.No.21359/16: High Court will be pleased to issue a Writ of Mandamus, directing the 2nd respondent to disburse the retirement benefits viz. Gratuity amount of Rs.5 00 000/- Earned Leave Salary amount of Rs.1 20 000/- and the total comes to Rs.6 20 000/- (Rupees Six Lakhs Twenty Thousand only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.05.2013 as Senior Tradesman in the 2nd respondents office.

WP.21360/16: To issue a Writ of Mandamus or any other Writ or Direction directing the 2nd & 3rd respondents to disburse the retirement benefits viz. Gratuity amount of Rs.6 26 677/- Earned Leave Salary amount of Rs.1 26 847/- Pension Commutation amount of Rs.2 32 145/- and the total comes to Rs.9.85 669/- (Rupees Nine lakhs Eighty Five Thousand Six Hundred and Sixty Nine only) with 18% interest on delayed payment to the petitioner who is retired from service on 29.02.2016 as Special Grade Conductor in the 2nd respondents office.

WP.No.21366/16: 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 01.12.2011 within the time stipulated by this Honourable Court.

WP.No.21367/16: 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 01.03.2013 within the time stipulated by this Honourable Court.

WP.No.21368/16: 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 01.06.2011 within the time stipulated by this Honourable Court.

WP.No.21369/16: 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 01.05.2016 within the time stipulated by this Honourable Court.

WP.No.21370/16: 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 01.05.2014 within the time stipulated by this Honourable Court.

WP.No.21371/16: 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 01.06.2016 within the time stipulated by this Honourable Court.

WP.No.21372/16: 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 01.05.2014 within the time stipulated by this Honourable Court.

WP.No.21373/16: 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 01.05.2016 within the time stipulated by this Honourable Court.

For Petitioners : Mr.A.Selvaraju
in W.P.No.21175 of 2016
and W.P.Nos.21366 to 21373 of 2016

Mr.D.Soundarraaj
in W.P.Nos.21184 of 2016 and
W.P.No.21313 of 2016

Mr.D.Veerasekaran
in W.P.Nos.21213 and 21214 of 2016
and W.P.Nos.21359 and 21360 of 2016

Mr.V.S.Jagadeesan
in W.P.Nos.21218 and 21220 of 2016

Mr.A.Rajendiran
in W.P.Nos.21337 to 21346 of 2016

For Respondents : Mr.P.Paramasivados
Standing Counsel for Transport
Corporation in W.P.Nos.21175 of
2016, 21184 of 2016 and
W.P.Nos.21366 to 21373 of 2016

Mr.R.S.Selvam
Standing Counsel for Transport
Corporation

in W.P.Nos.21337 to 21346 of 2016

For R1 in W.P.Nos.21213 and 21214
of 2016

Mr.S.Sairaman

Standing Counsel for Transport
Corporation

in W.P.No.21313 of 2016,

For R2 in W.P.Nos.21218 to
21220 of 2016

Mr.P.Kannan Kumar

Standing Counsel for Transport
Corporation

For R2 in W.P.Nos.21359 and 21360
of 2016

Mr.P.Chinnadurai

Government Advocate for R2

in W.P.Nos.21213 and 21214 of 2016,

For R1 in

W.P.Nos.21218 to 21220 of

2016 and W.P.Nos.21359 and 21360
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; Mr.P.Chinnadurai, learned Government Advocate appearing on behalf of the State; Mr.P.Paramasivadosh, Mr.S.Sairaman, Mr.R.S.Selvam 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 01.09.2016.

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

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Road
Salem-636 007.
2. The Managing Director
Tamil Nadu State Transport Corporation Ltd.,
Pallavan Salai, Chennai.
3. The Principal Secretary to
Government Transport Department Fort St.
George Chennai-600 009.
4. The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd 37 Mettupalayam Road
coimbatore-641 043

5. The Managing Director
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Pension Fund Trust Thiruvalluvar House
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State Express Transport Corporation Ltd.,
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 9. The Financial Advisor
and Chief Accounts Officer Tamil Nadu State
Transport Corporation (VPM) Ltd 3/137
Salamedu Valuthareddy-Post
Villupuram-605 602
 10. State Express Transport
Corporation Ltd Rep. by its Managing
Director Pallavan Salai
Chennai-600 002
 11. The General Manager,
Tamilnadu State Transport Corporation
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
 12. The Administrator
Tamilnadu State Transport Corporation Ltd.,
Employees Post Retirement Fund Scheme,
Thiruvalluvar House
Chennai-600 002.
- +1 cc to Mr.Selvan, advocate,sr.34558
- +2 cc's to Mr.D.Soundarraaj,Advocate,sr.34577, 34578
- +4cc's Mr.D.Veerasekaran,advocate,sr.34471 to 34423 & 34475
- +3 cc's to Mr.V.S.Jagadeesan, Advocate,sr.34481

+10 cc's to Mr.A.Rajendiran, advocate,sr.34413

+2 cc's to Mr.R.S.Selvam, advocate,sr.35171, 35078

+3 cc's to Mr.S.Sairaman, advocate,sr.35214 to 35216

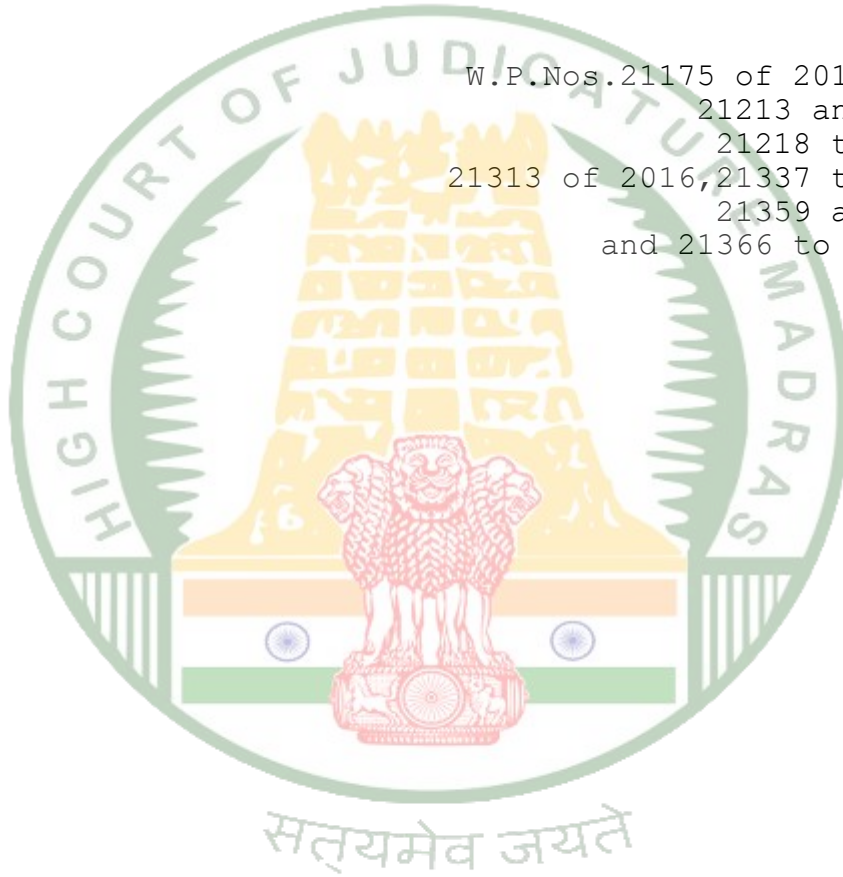
+1 cc to M/s.P.Paramasivadass, advocate,sr.35074

+4 cc's to Government Pleader,sr.34884, 34905, 34919 to 34920

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