

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 21391 to 21396 of 2016
21426 to 21431 of 2016,
21459 and 21460 of 2016, 21468 of 2016,
21503 of 2016, 21513 of 2016
and 21514 to 21518 of 2016

C.Selvaraj	..	Petitioner in W.P.No. 21391 of 2016
M.Natarajan	..	Petitioner in W.P.No. 21392 of 2016
S.Sivanantham	..	Petitioner in W.P.No. 21393 of 2016
A.Abdulvahit	..	Petitioner in W.P.No. 21394 of 2016
A.Kaliannan	..	Petitioner in W.P.No. 21395 of 2016
N.Ponnusamy	..	Petitioner in W.P.No. 21396 of 2016
G.Krishnadasan	..	Petitioner in W.P.No. 21426 of 2016
P.Rajagopalan	..	Petitioner in W.P.No. 21427 of 2016
A.Selvaraj	..	Petitioner in W.P.No. 21428 of 2016
S.Balasubramanian	..	Petitioner in W.P.No. 21429 of 2016
V.Subramanian	..	Petitioner in W.P.No. 21430 of 2016
V.Krishnaswamy	..	Petitioner in W.P.No. 21431 of 2016
S.A.Selvaraj	..	Petitioner in W.P.No. 21459 of 2016
G.Rengasamy Naidu	..	Petitioner in W.P.No. 21460 of 2016
P.Thirumalaisamy	..	Petitioner in W.P.No. 21468 of 2016
K.Murugesan	..	Petitioner in W.P.No. 21503 of 2016
*S.Mani	..	Petitioner in W.P.No. 21513 of 2016
C.Panneerselvam	..	Petitioner in W.P.No. 21514 of 2016
K.Govindaraj	..	Petitioner in W.P.No. 21515 of 2016
P.Mani	..	Petitioner in W.P.No. 21516 of 2016
A.Murugan	..	Petitioner in W.P.No. 21517 of 2016
R.Selvam	..	Petitioner in W.P.No. 21518 of 2016

Vs.

1.The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Limited
37, Mettupalayam Road
Coimbatore-45.

.. 1st Respondent in WP 21391 to 21396
of 2016 and WP 21426 OT 21431 of 2016.

2.The General Manager

Tamil Nadu State Transport
Corporation (CBE) Limited
Erode Region
Chennimalai Road

Erode-1. .. 2nd Respondent in WP 21391 to 21396 of 2016.

3.The Administrator

Tamil Nadu State Transport Employee's Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2.

.. 3rd Respondent in WP 21426 to 21431
of 2016, WP 21391 to 21396 of 2016, WP
21514 to 21518 of 2016.

The Managing Director

Tamil Nadu State Transport
Corporation (Salem) Limited
12, Ramakrishna Salai,
Salem 636 007

.. Respondent in WP 21459 & 21460 of
2016 and WP 21513 of 2016.

M/s. State Express Transport Corporation,
Rep.by its Managing Director,
2, Pallavan Salai,
Chennai-600 002.

.. Respondent in WP 21468, WP 21503 of
2016.

The Managing Director

Tamil Nadu State Transport Corporation
(Villupuram) Limited
Villupuram-605 602...

1st Respondent in WP 21514
to 21518 of 2016.

The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Limited Kanchepuram Region
Kanchepuram.

.. 2nd Respondent in WP 21514 to
21516 of 2016.

The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Limited Vellore Region
Vellore-632 009.

..2nd Respondent in 21517 of 2016

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602.

..2nd Respondent in WP 21518 of 2016

The General Manager
Tamil Nadu State Transport Corporation (Cbe)
Ltd. 37 Mettupalayam Road
Coimbatore-641 043

..2nd Respondent in WP 21426 to 21431
of 2016.

Prayer in Writ Petition No.21391 to 21396 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to settle all the terminal benefits due and payable to the petitioner as per the order in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015, with interest at 12% per annum with effect from 25.06.2015, within a time limit stipulated by this Court may deem fit and proper in the facts and circumstances of the case.

WP 21426 to 21431 of 2016: 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 21459 of 2016 & 21460 of 2016: Directing the Respondents to pay the retirement benefits such as Gratuity Labour Welfare Fund IRT Share the benefits of Earned and Unearned Leave Medical Leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from 30.6.2012 the date of retirement from 31.05.2014 the date of retirement respectively.

WP No.21503 of 2016: Directing the respondents to settle petitioner terminal benefits of 384.5 days of Earned Leave and medical Leave amount of Rs.2,94,037/- with interest at the rate of 6% per annum taking into consideration of petitioner representation on various dates including the one on 15.06.2016.

WP 21513 of 2016 : Directing the respondent to consider the petitioners representation dated 16.05.2016 seeking Surrendered Earned Leave amount and the surrendered Medical Leave amount in his credit in accordance with law within the time fixed by this Honourable Court.

WP No.21514 of 2016: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and 12(3) Settlement arrears by calculating DA eligible as per newly Implemented with interest at 12% per annum with effect from 01.02.2014 within stipulated time as may be fixed by this Honourable Court.

WP 21515 of 2016: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and 12(3) Settlement arrears by calculating DA eligible as per newly Implemented with interest at 12% per annum with effect from 01.09.2015 within stipulated time as may be fixed by this Honourable Court.

WP 21516 of 2016: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment with interest at 12% per annum with effect from 01.08.2015 within stipulated time as may be fixed by this Honourable Court.

WP 21517 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 DA eligible and 2013 wage settlement effect as per newly Implemented with interest at 12% per annum with effect from 01.03.2016 within stipulated time as may be fixed by this Honourable Court.

WP 21518 of 2016: Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave) 12(3) Settlement arrears amount 2 month pension arrears by calculating DA 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 01.09.2015 within stipulated time as may be fixed by this Honourable Court.

WP 21468 of 2016: Directing the Respondent to settle the terminal benefits of the petitioner of 240.5 days of Earned Leave and Medical Leave amount of Rs.2 78 748/- and social security scheme amount of Rs.35 000/- altogether a sum of Rs.3 13 748/- 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.

For Petitioner : A.Rajendran for
WP 21426 to 21431/16.

A.Nagarathinam
for WP 21459 & 21460 of 2016.

D.Soundarraaj for WP 21468/16
for WP 21503/16.

C.Vasudevan for WP 21513/16

J.Pradeep for 21514 to
21518/16.

Ms.A.Geetha Muthulakshmi
for WP 21391 to 21396 of 2016

For Respondents : Mr.P.Paramasivadoss
for WP 21459 & 21460/16
for WP 21468/16, 21503/16
WP 21513/16.

WP 21514 to 21518/16.

Mr.P Kannankumar
Standing Counsel
for Transport Corporation
(in wP 21391/2016 to 21396/16
in WP 21426 to 21431 of 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 01.09.2016.

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

Sd/-
Assistant Registrar(CS IV)
Dated : 15.07.2016

***Amended as per Order of this
Court dated 26.08.2016 in
WMP.24843 of 2016 in
WP.21513 of 2016
Sd/- Assistant Registrar(CS IV)
Dated : 27.09.2016**

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Limited
37, Mettupalayam Road
Coimbatore-45.
- 2.The General Manager
Tamil Nadu State Transport
Corporation (CBE) Limited
Erode Region
Chennimalai Road
Erode-1.
- 3.The Administrator
Tamil Nadu State Transport
Employee's Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2.

****4.The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
12, Ramakrishna Salai,
Salem 636 007**

5.M/s. State Express Transport Corporation,
Rep.by its Managing Director,
2, Pallavan Salai,
Chennai-600 002.

6 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited
Villupuram-605 602.

7 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kanchepuram Region
Kanchepuram.

8 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vellore Region
Vellore-632 009.

9 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602.

**** To be substituted to the order already
despatched on 18.08.2016**

24 ccs to Mr.P.Kannankumar, Advocate, sr.35582 & 35583
5 ccs to Mr.J.Pradeep, Advocate, sr.35732, 35733, 35741 to 35743
6 ccs to Mr.P.Paramasivados, Advocate, sr.35612 to 35618, 35620
2 ccs to Mr.A.Nagarathinam, Advocate, sr.35101 & 35102
2 ccs to Mr.D.Soundarraaj, Advocate, sr.34820 & 34821
1 cc to Mr.A.Rajendiran, Advocate, sr.34819
****1 cc to Mr.I.C.Vasudevan, Advocate, sr.48549**
1 cc to Mr.S.Sairaman, Advocate, sr.35213

W.P.Nos. 21391 to 21396 of 2016
21426 to 21431 of 2016,
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and 21514 to 21518 of 2016

kji co
kra 26.07.2016

CA(28.09.2016)