

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2016

CORAM

THE HON'BLE MS.JUSTICE R.MALA

W.P.Nos.21641 to 21644 of 2016, 21704 of 2016,
21747 to 21749 of 2016, 21776 to 21779 of 2016,
21681 to 21684 of 2016 and 21799 of 2016

P.Veersami	..	Petitioner in W.P.No.21641 of 2016
S.Bharathi	..	Petitioner in W.P.No.21642 of 2016
K.Ramasamy	..	Petitioner in W.P.No.21643 of 2016
N.Nagarajan	..	Petitioner in W.P.No.21644 of 2016
K.Devarajan	..	Petitioner in W.P.No.21704 of 2016
K.G.Vijayakumar	..	Petitioner in W.P.No.21747 of 2016
G.Harikrishnan	..	Petitioner in W.P.No.21748 of 2016
R.Pichai Pillai	..	Petitioner in W.P.No.21749 of 2016
A.Pandari	..	Petitioner in W.P.No.21776 of 2016
V.Rajendran	..	Petitioner in W.P.No.21777 of 2016
G.Gnanandiran	..	Petitioner in W.P.No.21778 of 2016
V.G.Arumugam	..	Petitioner in W.P.No.21779 of 2016
R.Sadagopan	..	Petitioner in W.P.No.21681 of 2016
I.Meganathan (Staff No.6071)	..	Petitioner in W.P.No.21682 of 2016
V.Sekar (Staff No.13711(C1))	..	Petitioner in W.P.No.21683 of 2016
B.S.Ramachandran (Staff No.13730)	..	Petitioner in W.P.No.21684 of 2016
M.Krishnan	..	Petitioner in W.P.No.21799 of 2016

Vs.

1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Villupuram-605 602
and Vazhutha Reddy.

..R1 in WP.No.21642/16,
21704/16,21747/16
to 21749/2016, 21776 to
21779/2016,21681
to 21684 of 2016

2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vellore Region
Vellore.

...R2 in W.P.21704/16,21641/16

3.The Administrator

Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

...R3 in W.P.21641 of 2016
...R3 in W.P.21642 of 2016
...R3 in W.P.21644 of 2016
...R3 in W.P.21704 of 2016
...R3 in W.P.21747 to 21749
of 2016
...R3 in W.P.21776 of 2016
...R3 in W.P.21681 of 2016

1.The Managing Director,
TamilNadu State Transport
Corporation (Salem)Ltd.,
No.12 Ramakrishna Road,
Salem-636 007.

2.The General Manager,
TamilNadu State Transport
Corporation (Salem)Ltd.,
Bharathipuram,
Dharmapuri Region,
Dharmapuri.

...Respondents in W.P.No.21643/
2016,21644/2016

The General Manager,
TamilNadu State Transport
Corporation (Villupuram)Ltd.,
Cuddalore Region,
Cuddalore.

...R2 in W.P.No.21747/16 to
21749 of 2016

The General Manager,
TamilNadu State Transport
Corporation (Villupuram)Ltd.,
Kancheepuram Region,
Kancheepuram.

...R2 in W.P.21776 to 21779/2016
...R2 in W.P.21681 to 21684/2016

TamilNadu State Transport
Corporation(Kovai)Ltd.,
Rep by its Managing Director,
No.37 Mettupalayam Road,
Coimbatore-641 043.

...Respondent in W.P.No.21799/2016

Prayer in Writ Petition No.21641 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 disburse the payments relating to Gratuity, Pension Commutation and Leave Surrender (Earned Leave and Old Medical Leave), amount by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2015 within the stipulated time as may be fixed by this Court.

W.P.No.21642 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying issuance of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment DA arrears Pension arrears and Settlement Arrears amount by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.09.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.21643 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying issuance of Writ of Mandamus directing the respondents to disburse the payments relating to Leave Encashment (Earned Leave and Old Medical Leave) and Leave Surrender at the time of Service in the year of 12/2009 to 12/2011 by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.07.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.21644 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying issuance of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Pension Commutation and Leave Encashment (Earned Leave and Old Medical Leave) 2013 Settlement arrears and ERBS Arrears amount by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.06.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.21704 of 2016:

Writ Petition filed under Article 226 of the Constitution of India directing the respondents to disburse the payments relating to Gratuity and Security Deposit with interest at 18% per annum with effect from 01/03/2013.

Prayer in W.P.No.21747 of 2016:

For the reason stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) and wages settlement arrears 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. 31.08.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21748 of 2016:

For the reason stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (Earned Leave) Commutation and wages settlement arrears pension arrears and DA arrears 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. 31.05.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21749 of 2016:

For the reason stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) wages settlement arrears and pension arrears 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. 31.05.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21776 of 2016:

For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment with interest at 12% per annum with effect from 1.8.2015 within stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.21777 of 2016:

For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Leave Encashment and other Benefits by calculating D.A eligible and 2013 wage Settlement effect as per newly implemented with interest at 12% per annum with effect from 1.7.2013 within stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.21778 of 2016:

For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Leave Encashment and other Benefits by calculating D.A eligible and 2013 wage Settlement effect as per newly implemented with interest at 12% per annum with effect from 1.7.2013 within stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.21779 of 2016:

For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Leave Encashment and other Benefits by calculating D.A eligible and

2013 wage Settlement effect as per newly implemented with interest at 12% per annum with effect from 1.6.2013 within stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.21781 of 2016:

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Leave Surrender (Earned Leave) Commutation and wages settlement arrears IRT amount and Employees Welfare Fund 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 within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21682 of 2016:

It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate writ order or direction in the nature of writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) wages settlement arrears IRT amount and DA arrears 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. 30.04.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21683 of 2016:

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) and wages settlement arrears 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. 30.04.2015

to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21684 of 2016:

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) wages settlement arrears 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. 29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in W.P.No.21799 of 2016:

For the reasons stated in the accompanying affidavit, the petitioner prays that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction in the nature of Writ directing the Respondent to settle the terminal benefits of the petitioner of Gratuity amount of Rs.5,40,762/- and leave salary amount of Rs.2,55,000/- altogether a sum of Rs.7,95,762/- with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dated 07.06.2016.

Counsel for Petition

Mr.Pradeep :for W.P.No.21641 to 21644/2016,
W.P.No.21776 to 21779/2016

Mr.S.R.Nambi :for W.P.No.21704 of 2016

Mr.T.Pappaiah Dharmarajan:W.P.No.21747 to 21749 of 2016
W.P.No.21681 to 21684 of 2016

Mr.D.Soundaraaj :W.P.No.21799 of 2016

Counsel for Respondent

Mr.Paramasiva Doss: for Transport Corporation
in W.P.No.21641 to 21644/2016,
W.P.No.21776 to 21779/2016

Mr.Kannan Kumar :For Respondent in W.P.No.21704/2016

Mr.S.Sairaman :For Respondent in W.P.No.21747
to 21749/2016, 21681 to 21684/2016

Mr.M.Krishnan :W.P.No.21799 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 15.08.2016.

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

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

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
Vellore Region
Vellore.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
4. The Managing Director,
TamilNadu State Transport
Corporation (Salem)Ltd.,
No.12 Ramakrishna Road,
Salem-636 007.
5. The General Manager,
TamilNadu State Transport
Corporation (Salem)Ltd.,
Bharathipuram,
Dharmapuri Region,
Dharmapuri.
6. The General Manager,
TamilNadu State Transport
Corporation (Villupuram)Ltd.,
Cuddalore Region,
Cuddalore.
7. The General Manager,
TamilNadu State Transport
Corporation (Villupuram)Ltd.,
Kancheepuram Region,
Kancheepuram.

8. TamilNadu State Transport
Corporation(Kovai)Ltd.,
Rep by its Managing Director,
No.37 Mettupalayam Road,
Coimbatore-641 043.

+16 ccs to M/S.J.Pradeep, Advocate Sr.35734 to 35740, 35744,
35762 to 35769

+7 ccs to Mr.S.Sairam, Advocate Sr.35217 to 35223

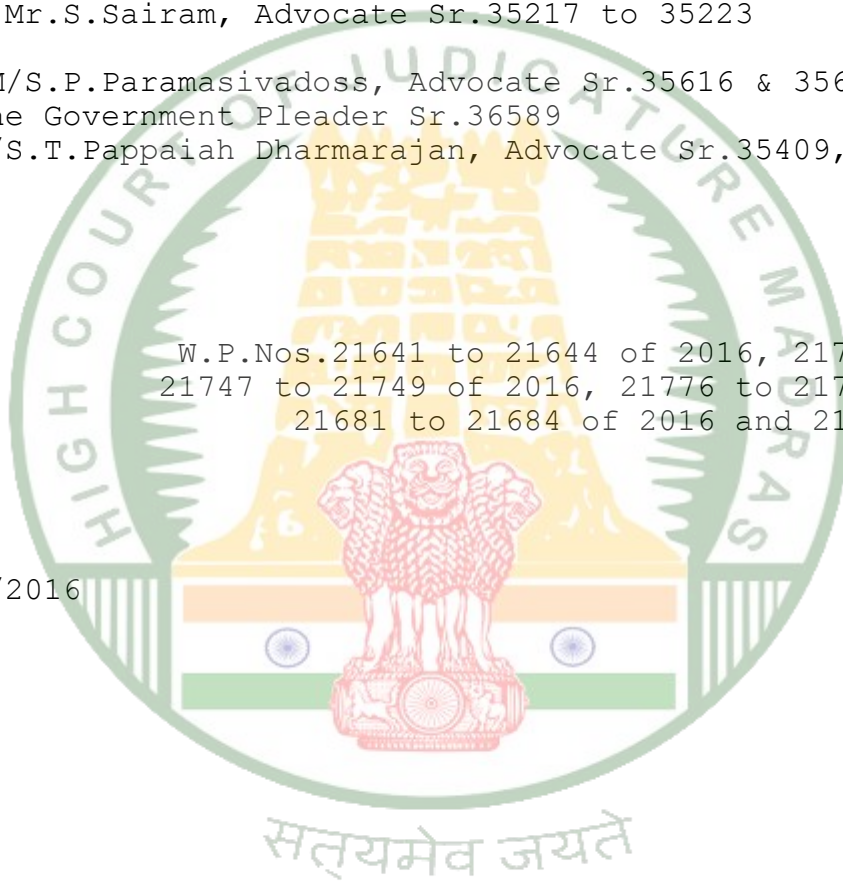
+2ccs to M/S.P.Paramasivadosh, Advocate Sr.35616 & 35617

+1cc to the Government Pleader Sr.36589

+7cc to M/S.T.Pappaiah Dharmarajan, Advocate Sr.35409,35410

W.P.Nos.21641 to 21644 of 2016, 21704 of 2016,
21747 to 21749 of 2016, 21776 to 21779 of 2016,
21681 to 21684 of 2016 and 21799 of 2016

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srg 05/07/2016



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