

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 22043 of 2016, 22121 of 2016
22128 to 22131 of 2016, 22186 of 2016,
22190 of 2016 and 22192 of 2016

A.Ramesh .. Petitioner in W.P.No. 22043 of 2016
M.Sigamani .. Petitioner in W.P.No. 22121 of 2016
K.Chidambaranathan .. Petitioner in W.P.No. 22128 of 2016
K.Kamalakannan .. Petitioner in W.P.No. 22129 of 2016
C.Panchatcharam .. Petitioner in W.P.No. 22130 of 2016
K.Seetapathy .. Petitioner in W.P.No. 22131 of 2016
K.Devaraj .. Petitioner in W.P.No. 22186 of 2016
G.Rajamani .. Petitioner in W.P.No. 22190 of 2016
G.Krishnamurthy .. Petitioner in W.P.No. 22192 of 2016

Vs.

- 1.The Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai 600 009. ...R1 in W.P.No.22043 of 2016
- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram - 605 602. ..R2 in W.P.No.22043 of 2016
..R1 in W.P.No.22128 to 22131 of
2016, 22190 & 22192 of 2016
- 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.22043,22121,22130,22131/16,
22186 & 22190/16

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Salai
Salem. ...R1 in W.P.No.22121/16, 22186/16

The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited Dharmapuri Region
Dharmapuri. ...R2 in W.P.22121/16

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Kancheepuram Region
Kancheepuram. ...R2 in W.P.No.22128,22129/16,
22190 & 22192/2016

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vellore Region
Vellore 632 009R2 in W.P.No.22130/16 &
22131/16

The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Region
Salem. ...R2 in W.P.No.22186/16

Prayer in W.P.No.22043 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 the petitioner's retirement benefits including Leave Salary, gratuity, Dearness Allowance Arrears, leave on private affairs and all other attendant retirement benefits 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 including the commuted value of pension, social security scheme arrears, Provident Fund, refund of Institute of road transport arrears etc. to the petitioner payable from the date of retirement i.e., 31.03.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the circumstances of the case.

W.P.No.22121 of 2016:

Directing the respondents to settle the petitioners retirement benefits including Leave Salary gratuity commutation and 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. 30.06.2013 to till date of actual payment to the petitioner within the time stipulated by this Court.

W.P.No.22128, 22129 of 2016

Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment Pension arrears (of as per New salary Agreement i.e 12(3) Settlement) by calculating D.A. eligible and 2013 wage Settlement effect as per newly implemented with interest at 12% per annum with effect from 01.10.2013 with stipulated time as may be fixed by this Court.

W.P.No.22130 & 22131 of 2016

Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment amounts by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.05.2015 within the stipulated time.

W.P.No.22186 of 2016

Directing the respondents to settle the petitioner retirement benefits including Leave Salary Gratuity commutation and 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. 31.10.2014 to till date of actual payment to the petitioner within the time that may be stipulated.

W.P.No.22190 of 2016

Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender and 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. 31.01.2014 to till date of actual payment to the petitioner within the time that may be stipulated.

W.P.22192 of 2016

Directing the respondents to settle the petitioner retirement benefits including Gratuity 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. 31.07.2013 to till date of actual payment to the petitioner within the time that may be stipulated.

For Petitioner :Mr.J.Pradeep
(in W.Ps.22128 to 22131/16)
For Petitioner :Mr.T.Pappaiah Dharmarajan
in W.P.No.22043/2016,
22121/16,22186,
22190 & 22192/16

For R1 :Mr.M.Dig Vijaya Pandian, AGP
For R2 & R3 :Mr.S.Sairaman
in W.P.No.22043/2016 Standing Counsel
22121, 22186,22190 for Transport Corporation
&2219/162
in WPs.22128
to 22131/16 :Mr.P.Paramasivadosh for SC

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 have been 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 / Transport Corporation, 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 01.10.2016.

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

Sd/-

Assistant Registrar(CS V)

सत्यमेव जयते

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Sub Assistant Registrar

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To

1.The Secretary to Government,
Transport Department,
Fort St. George, Secretariat,
Chennai 600 009.

- 2.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram - 605 602.
- 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
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Salai
Salem.
- 5.The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited Dharmapuri Region
Dharmapuri.
- 6.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Kancheepuram Region
Kancheepuram.
- 7.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Vellore Region
Vellore 632 009 .
- 8.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Region
Salem. .

+1cc to Mr.T.Pappaiah Dharmarajan, , Advocate, S.R.No.35863
+1cc to Mr.S.Sairaman, Advocate, S.R.No.36242
+1cc to the Government Pleader, S.R.No.36320
+4cc to Mr.T.Pappaiah Dharmarajan, Advocate
sr.35864,35865,35866,35867 [08/08/2016]

W.P.Nos.22043 of 2016,
22121 of 2016,
22128 to 22131 of 2016,
22186 of 2016, 22190 of 2016
and 22192 of 2016

rv[co]
srg 27/07/2016