

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 22266 and 22267 of 2016  
22292 to 22298 of 2016,  
22314 to 22327 of 2016, 22356 of 2016  
and  
22452 of 2016

|                  |                                     |
|------------------|-------------------------------------|
| D.Ganesan        | ... Petitioner in W.P.22266 of 2016 |
| G.Sathiyarayanan | ... Petitioner in W.P.22267 of 2016 |
| K.Devan          | ... Petitioner in W.P.22292 of 2016 |
| D.Pandiyar       | ... Petitioner in W.P.22293 of 2016 |
| H.Ganesan        | ... Petitioner in W.P.22294 of 2016 |
| V.Nandiyappan    | ... Petitioner in W.P.22295 of 2016 |
| K.Ranganathan    | ... Petitioner in W.P.22296 of 2016 |
| C.Madheeswaran   | ... Petitioner in W.P.22297 of 2016 |
| R.Annamalai      | ... Petitioner in W.P.22298 of 2016 |
| M.Udayasuriyan   | ... Petitioner in W.P.22314 of 2016 |
| G.Kesersing      | ... Petitioner in W.P.22315 of 2016 |
| K.Selvaraj       | ... Petitioner in W.P.22316 of 2016 |
| K.Chandrakasan   | ... Petitioner in W.P.22317 of 2016 |
| S.Radhakrishnan  | ... Petitioner in W.P.22318 of 2016 |
| T.Panneerselvam  | ... Petitioner in W.P.22319 of 2016 |
| S.Gnanasekaran   | ... Petitioner in W.P.22320 of 2016 |
| S.Janarthanan    | ... Petitioner in W.P.22321 of 2016 |
| V.Elangovan      | ... Petitioner in W.P.22322 of 2016 |
| A.Kannan         | ... Petitioner in W.P.22323 of 2016 |
| R.Krishnan       | ... Petitioner in W.P.22324 of 2016 |
| R.Subramani      | ... Petitioner in W.P.22325 of 2016 |
| R.Ramalingam     | ... Petitioner in W.P.22326 of 2016 |
| R.Ponnusamy      | ... Petitioner in W.P.22327 of 2016 |
| B.Ranganathan    | ... Petitioner in W.P.22356 of 2016 |
| M.Karuppusamy    | ... Petitioner in W.P.22452 of 2016 |

Vs.

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

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

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

...Respondents 1 to 3 in WPs.22266  
& 22267, 22293 to 22298, 22314 to  
22320, 22325 to 22327 of 2016

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

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

...Respondents 1 & 2 in WPs.22292,  
22321 to 22324 of 2016

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

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

सत्यमेव जयते

...3rd Respondent in WPs.22452 of 2016

**\*The Managing Director**  
**Tamil Nadu State Transport**  
**Corporation (Coimbatore) Limited**  
**Head Officer, No.37, Mettupalayam Road,**  
**Coimbatore 641 043. ...2nd Respondent in WPs.22452 of 2016**

**(Corrected vide letter dated 23.08.2016  
given by Mr.V.S.Jagadeesan)**

The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Limited  
Ramakrishna Salai,  
Salem 686 007.

...Respondent in WP.22356 of 2016

The Government of Tamilnadu,  
Rep.by its Principal Secretary,  
Transport Department,  
Secretariat, Fort St.George,  
Chennai 600 009. ....1st Respondent in WP.22452 of 2016

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to disburse the payments relating to gratuity, pension commutation and other benefits 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 a time limit stipulated by this Court and to pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case. (W.P.Nos.22266 & 22294 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Pension, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), 12(3) Settlement effect arrears and other Benefits 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, 01.05.2014 & 01.04.2014 respectively within the stipulated time as may be fixed by this Court. (W.P.Nos.22267, 22295 & 22296 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Pension, Commutation, Leave Surrender (Earned Leave & Old Medical Leave), and other Benefits 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 01.08.2013, 01.08.2014 & 01.08.2015 respectively within the stipulated time as may be fixed by this Court. (W.P.Nos.22292, 22293 & 22314 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Leave Surrender (Earned Leave), Last 10 days Salary (From 21.8.2013 to 31.8.2013), and other Benefits 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 01.09.2013 within the stipulated time as may be fixed by this Court. (W.P.No.22297 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave & Old Medical Leave) Engineering & Medical College Share Amount, Settlement Effect Arrears 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 01.03.2016 within the stipulated time as may be fixed by this Court. (W.P.No.22298 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Surrender (Earned Leave & Old Medical Leave) Settlement Arrears amount, Pension arrears 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 01.04.2015, 01.05.2015, 01.04.2015, 01.01.2014, 01.06.2015, 01.05.2015, 01.04.2015, 01.04.2015 & 01.05.2015 respectively within the stipulated time as may be fixed by this Court. (W.P.Nos.22315 to 22320 & 22325 to 22327 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity and settlement arrears 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 01.05.2013, 01.08.2013 & 01.07.2013 respectively within the stipulated time as may be fixed by this Court. (W.P.Nos.22321, 22322 & 22324 of 2016)

Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity 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 01.02.2013 within the stipulated time as may be fixed by this Court. (W.P.No.22323 of 2016)

Writ of Mandamus, directing the Respondent to pay the retirement benefits such as Gratuity, Benefit of earned and

unearned leave and Medical leave benefit etc., payable to the petitioner with interest at the rate of 18% from 30.09.2012 the date of retirement. (W.P.No.22356 of 2016)

Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits such Gratuity amount, Commutation of Pension, Leave Encashment (EL) amount, Leave Encashment (ML) amount, Arrears of Leave Surrender for 3 years Pension arrears and leave on private affairs and other settlement benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.07.2014 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. (W.P.No.22452 of 2016)

For Petitioner : Mr.J.Pradeep in WPs.22266 & 22267,  
22292 to 22298 & 22314 to 22327/16

Mr.A.Nagarathinam in WP.22356/16

Mr.V.S.Jagadeesan in WP.22452/16

For Respondents : Mr.P.Paramasivadoss  
Standing Counsel  
for Transport Corporation in  
WPs.22266 & 22267, 22292 to 22298  
& 22314 to 22327/16 and Sole  
Respondent in WP.22356/16

Mr.P.Chinnadurai,  
Government Advocate for R1  
in WPs.22452/16 and

Mr.P.Kannan Kumar, Standing Counsel  
for RR2 & 3 in WP.22452/16

#### 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 7<sup>th</sup> 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 15.09.2016.

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

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

paa

To

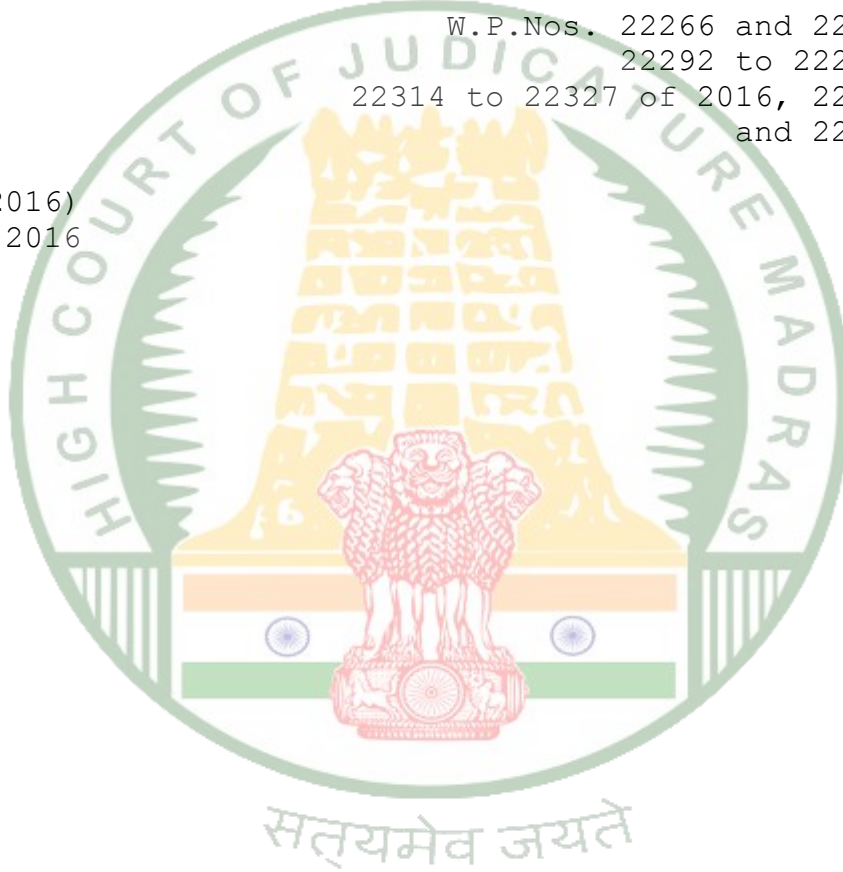
1. The Managing Director  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited  
Vazhuthareddy  
Villupuram-605 602.
2. The General Manager  
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Vellore Region  
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3. The Administrator  
Tamil Nadu State Transport Corporation Employees Post  
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Thiruvalluvar House  
Pallavan Salai  
Chennai-600 002.
4. The Managing Director  
Tamil Nadu State Transport  
Corporation (Salem) Limited  
Ramakrishna Salai,  
Salem 686 007.
5. The Principal Secretary,  
Government of Tamilnadu,  
Transport Department,  
Secretariat, Fort St.George,  
Chennai 600 009.

**\*6. The Managing Director  
Tamil Nadu State Transport  
Corporation (Coimbatore) Limited  
Head Officer, No.37, Mettupalayam Road,  
Coimbatore 641 043.**

+1cc to Mr.V.S.Jagadeesan Advocate, S.R.No.36263  
+23cc's to Mr.J.Pradeep, Advocate, S.R.Nos.36516, 36517 & 36514  
+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.36820  
+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.36182  
+1cc to the Government Pleader, S.R.No.36608

W.P.Nos. 22266 and 22267 of 2016  
22292 to 22298 of 2016,  
22314 to 22327 of 2016, 22356 of 2016  
and 22452 of 2016

NM(CO)  
CA(01/08/2016)  
kra 02.09.2016



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