

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 23018, 23019 of 2016
23073, 23143 to 23149, 23144 of 2016,
23164 to 23166 of 2016,
23184 of 2016 and 23190 to 23193 of 2016

T.Mahadevan	...Petitioner in WP.23018 of 2016
K.Balakrishnan	...Petitioner in WP.23019 of 2016
D.Sellamuthu	...Petitioner in WP.23073 of 2016
K.Selvaraj (S/o.M.Karuppudayar)	...Petitioner in WP.23143 of 2016
K.Selvaraj (S/o.Kaasappan)	...Petitioner in WP.23144 of 2016
K.Valarmani	...Petitioner in WP.23145 of 2016
M.Jayakannu	...Petitioner in WP.23146 of 2016
A.Srinivasan	...Petitioner in WP.23147 of 2016
V.Rangasamy	...Petitioner in WP.23148 of 2016
S.Sampathkumaran	...Petitioner in WP.23149 of 2016
R.Asokan	...Petitioner in WP.23164 of 2016
U.Rajaraman	...Petitioner in WP.23165 of 2016
S.Jayakumar (Staff No.SR 1125)	...Petitioner in WP.23166 of 2016
P.Muthu Narayanan	...Petitioner in WP.23184 of 2016
T.S.Balakrishnan	...Petitioner in WP.23190 of 2016
S.Rajendran	...Petitioner in WP.23191 of 2016
M.Madhavan	...Petitioner in WP.23192 of 2016
R.Srinivasa Rao	...Petitioner in WP.23193 of 2016

Vs.

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

...1st Respondent in WPs.23018, 23019,
23164 to 23166 of 2016

...2nd Respondent in WP.23184 of 2016

The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Vellore Region
Vellore-632 109.

...2nd Respondent in WPs.23018, 23019,
23164 to 23166 of 2016

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

...3rd Respondent in WPs.23018, 23019,
23164 to 23166 of 2016

...4th Respondent in WP.23073 of 2016

The Government of Tamilnadu
Rep.by the Secretary,
Transport Department,
Secretariat, Chennai.

...1st Respondent in WP.23073 of 2016

The Managing Director,
Tamilnadu State Transport
Corporation(Salem) Limited,
No.12, Ramakrishnan Road,
Salem.

...2nd Respondent in WP.23073 of 2016

...Respondent in WPs.23143, 23144,
23146 to 23149 of 2016

The General Manager,
Tamilnadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem.

...3rd Respondent in WP.23073 of 2016

The Managing Director,
Tamilnadu State Transport
Corporation(Coimbatore) Ltd.,
Coimbatore.

...Respondent in WP.23145 of 2016

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

...2nd Respondent in WP.23165 of 2016

The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai 09.

...1st Respondent in WPs.23184, 23190,
23191 to 23193 of 2016

The Administrator,
Tamilnadu State Transport,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 02.

...3rd Respondent in WP.23184 of 2016
...4th Respondent in WP.23193 of 2016

The Managing Director,
Tamilnadu State Transport
Corporation(VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy Post
Villupuram.

...2nd Respondent in WP.23190 of 2016

The Managing Director,
State Express Transport
Corporation Ltd.,
Pallavan Salai,
Chennai 02.

...2nd Respondent in WPs.23190 to
23193 of 2016

The Financial Advisor and
Chief Accounts Officer,
Tamilnadu State Transport
Corporation(VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy Post,
Villupuram.

...3rd Respondent in WPs.23190 to
23193 of 2016

These Writ Petitions are filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus,

Directing the respondents to disburse the payments relating
to Gratuity, Commutation, Leave Encashment on surrender and
Pension Arrears as per the New Settlement Agreement calculating
Dearness Allowance eligible as per the new rates implemented
with interest at 18% per annum with effect from 01.06.2015.
(W.P.No.23018 of 2016)

Directing the respondents to disburse the payments relating to Gratuity and Security Deposit with interest at 18% per annum with effect from 01.04.2015. (W.P.No.23019 of 2016)

Directing the respondents to settle the petitioner retirement benefits including Gratuity. Leave Surrender (Earned Leave & Medical Leave) and Settlement arrears, medical leave surrender, DA arrears and previous EL Surrender (from 2009 to 2013) 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., 30.09.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court. (W.P.No.23073 of 2016)

Directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 30.4.2015 (i.e.,) the date of retirement. (W.P.No.23143 of 2016)

Directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 31.5.2015 (i.e.,) the date of retirement. (W.P.No.23144 of 2016)

Directing the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 31.5.2015 (i.e.,) the date of retirement. (W.P.No.23145 of 2016)

Directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 31.10.2013 (i.e.,) the date of retirement. (W.P.No.23146 of 2016)

Directing the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Earned Leave Salary, Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 30.11.2015 (i.e.,) the date of retirement. (W.P.No.23147 of 2016)

Directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 30.4.2015 (i.e.,) the date of retirement. (W.P.No.23148 of 2016)

Directing the respondent to pay the retirement benefits such as Gratuity, Earned Leave Salary, Commutation, and other benefits payable to the petitioner with interest at the rate of 18% from 31.5.2015 (i.e.,) the date of retirement. (W.P.No.23149 of 2016)

Directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL surrender, 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., 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court. (W.P.No.23164 of 2016)

Directing the respondents to settle the petitioner's 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., 28.02.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court. (W.P.No.23165 of 2016)

Directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL surrender, 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., 31.03.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court. (W.P.No.23166 of 2016)

Directing the second and third respondents to disburse the retirement benefits of gratuity, leave surrender salary, Pension commutation amount payable to the petitioner together with

interest at the rate of 18% per annum from the date of his retirement to till the date of payment. (W.P.No.23184 of 2016)

Directing the respondents to settle the petitioner's retirement benefits such as Difference in Gratuity amount, and leave on private affairs and other eligible retirement benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 30.06.2009 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.23190 of 2016)

Directing the respondents to settle the petitioner's retirement benefits such as Leave on Leave on Encashment (EL) amount, Leave on Encashment (ML-98) amount and Leave on private affairs, Social Security Scheme and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 30.06.2012 the date of retirement to till the date of settlement of the other eligible 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.23191 of 2016)

Directing the respondents to settle the petitioner's retirement benefits such as Leave on Encashment (EL) amount, Leave on Encashment (ML-98) amount and Leave on private affairs, Social Security Scheme, Provident Fund DA arrears, reimbursement of Medical college and Engineering college amount and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.10.2012 the date of retirement to till the date of settlement of the other eligible 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.23192 of 2016)

Directing the respondents to settle the petitioner's retirement benefits such as Leave on Encashment (EL) amount, Leave on Encashment (ML-98) amount, Leave on private affairs Interest Due on delayed payment in PF amount, pension arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 15.07.2011 the date of voluntary retirement to till the date of settlement of the other eligible 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.23193 of 2016)

For Petitioners in

W.P.23018 of 2016 : Mr.J.K.Ezhilarasu
W.P.23019 of 2016 : Mr.V.Dhayanithi
W.Ps.23073, 23164 to
23166 of 2016 : Mr.T.Pappaiah Dharmarajan
W.Ps.23143 to 23149 of 2016 : Mr.T.Jeevanantham
W.P.23184 of 2016 : Mr.S.Vijayakumar
W.Ps.23190 to 23193 of 2016 : Mr.V.S.Jagadeesan

For Respondents in

W.Ps.23018 & 23019 of 2016 : Mr.P.Kannankumar
and for R2 & R3 in
W.P.23184 of 2016
W.P.23073 of 2016 : Mr.A.Rajaperumal (GA)
for R1
: Mr.A.Paramasivadas and
for R2 to R4 in
W.Ps.23143 to 23149 of 2016
W.P.23164 to 23166 of 2016 : Mr.Sairaman and for R2 & R3
in W.Ps.23190 to 23193
of 2016
: Mr.P.Chinnadurai (GA)
for R1
W.P.23184 of 2016 : Mr.Digvijayapandian
Additional Government
Pleader for R1

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 01.10.2016.

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
Tamilnadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602.
2. The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Vellore Region
Vellore-632 109.
3. The Administrator
Tamilnadu State Transport Corporation
Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
4. The Secretary to Government
of Tamilnadu,
Transport Department,
Secretariat,
Chennai.

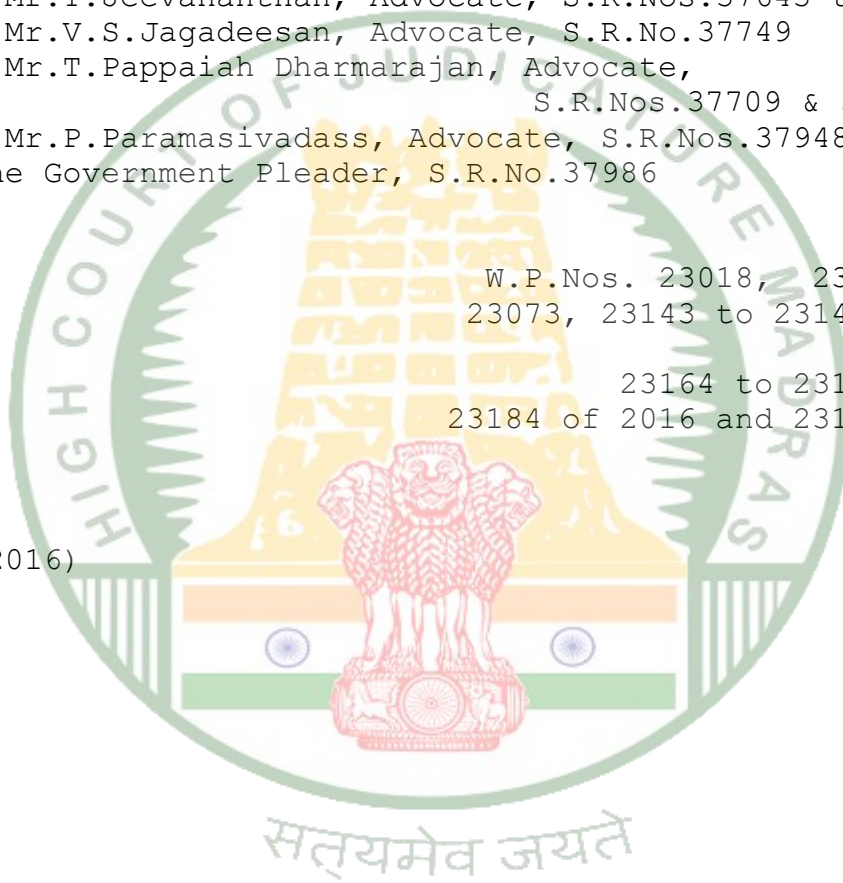
5. The Managing Director,
Tamilnadu State Transport
Corporation(Salem) Limited,
No.12, Ramakrishnan Road,
Salem.
6. The General Manager,
Tamilnadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem.
7. The Managing Director,
Tamilnadu State Transport
Corporation(Coimbatore) Ltd.,
Coimbatore.
8. The General Manager,
Tamilnadu State Transport
Corporation(Villupuram) Ltd.,
Cuddalore Region,
Cuddalore.
9. The Principal Secretary to Government,
Transport Department,
Fort St. George,
Chennai 09.
10. The Administrator,
Tamilnadu State Transport,
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai 02.
11. The Managing Director,
Tamilnadu State Transport
Corporation(VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy Post
Villupuram.
12. The Managing Director,
State Express Transport
Corporation Ltd.,
Pallavan Salai,
Chennai 02.

13.The Financial Advisor and
Chief Accounts Officer,
Tamilnadu State Transport
Corporation(VPM) Ltd.,
3/137, Salamedu,
Vazhuthareddy Post,
Villupuram.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.37754
+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.38184
+5cc's to Mr.T.Jeevananthan, Advocate, S.R.Nos.37643 to 37647
+4cc's to Mr.V.S.Jagadeesan, Advocate, S.R.No.37749
+4cc's to Mr.T.Pappaiah Dharmarajan, Advocate,
S.R.Nos.37709 & 37710
+3cc's to Mr.P.Paramasivadass, Advocate, S.R.Nos.37948 to 37950
+1cc to the Government Pleader, S.R.No.37986

W.P.Nos. 23018, 23019 of 2016
23073, 23143 to 23149, 23144 of
2016,
23164 to 23166 of 2016,
23184 of 2016 and 23190 to 23193
of 2016

SCD(CO)
CA(02/08/2016)



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