

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 23624 to 23633 of 2016
23634 to 23636 of 2016,
23637 to 23645 of 2016
23695 of 2016,
23704 of 2016

R.Govindaraju	...	Petitioner	W.P.No. 23624	of 2016
T.Chandramohan	...	Petitioner	W.P.No. 23625	of 2016
R.Balasubramanian	...	Petitioner	W.P.No. 23626	of 2016
K.Ramasamy	...	Petitioner	W.P.No. 23627	of 2016
S.Sathasivam	...	Petitioner	W.P.No. 23628	of 2016
A.Duraisamy	...	Petitioner	W.P.No. 23629	of 2016
M.Karuppaiah	...	Petitioner	W.P.No. 23630	of 2016
M.Mohamed Sarvarkhan	...	Petitioner	W.P.No. 23631	of 2016
M.Duraisamy	...	Petitioner	W.P.No. 23632	of 2016
K.Moorthy	...	Petitioner	W.P.No. 23633	of 2016
E.Eswaran	...	Petitioner	W.P.No. 23634	of 2016
N.Chandran	...	Petitioner	W.P.No. 23635	of 2016
K.Vijayan	...	Petitioner	W.P.No. 23636	of 2016
A.Alageswaran	...	Petitioner	W.P.No. 23637	of 2016
K.Rajendran	...	Petitioner	W.P.No. 23638	of 2016
J.Bilavendran	...	Petitioner	W.P.No. 23639	of 2016
K.Chinnaswamy	...	Petitioner	W.P.No. 23640	of 2016
S.Gunasekaran	...	Petitioner	W.P.No. 23641	of 2016
V.Jayaprakash	...	Petitioner	W.P.No. 23642	of 2016
R.Rajan	...	Petitioner	W.P.No. 23643	of 2016
K.Arumugam	...	Petitioner	W.P.No. 23644	of 2016
S.Inbaraj	...	Petitioner	W.P.No. 23645	of 2016
G.Udhayakumar	...	Petitioner	W.P.No. 23695	of 2016
A.Mani	...	Petitioner	W.P.No. 23704	of 2016

WEB COPY

Vs.

- 1.The Management of
Tamilnadu State Transport Corporation (Kovai) Limited
rep. by its Managing Director
Coimbatore.

2.The Administrator
Tamil Nadu State Transport Employees' Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2. .. R1 and R2 in W.P.23624to 23633 of 2016

1.The Managing Director,
TamilNadu State Transport
Corporation(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605602. R1 in WPs.23634,23636,
23695 of 2016

2.The General Manager,
TamilNadu State Transport Corporation(Villupuram) Limited,
Vellore Region,
Vellore.R3 in W.P.No.23634 of 2016
....R3 in W.P.No.23636 of 2016

3.The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Wefare Fund Scheme,
Thiruvalluvar House, PallavanSalai,
Chennai-600 002.R1 & R3 in W.P.23634 of 2016
....R4 in W.P. 23636 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) Limited, Dharmapuri Region, Salem,
Main Road, Bharathipuram,
Dharmapuri 636 705.Respondents in W.P.No.23635
of 2016

The General Manager ,
State Express Transport Corporation,
Pallavansalai, Chennai.R2 in W.P.No.23636/2016

1 The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37 Mettupalayam Road,
Coimbatore-641 043.

2 The General Manager,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
37 Mettupalayam Road,
Coimbatore-641.

...R1 & R2 in W.P.NO.23637,
23638,23639,23640,
23641,23642/2016
to 23645 of 2016

The Managing Director,
TamilNadu State Transport Corporation
Salem Ltd.,
Salem Division. ...Respondent in W.P.No.23704 of 2016

The General Manager,
TamilNadu State Transport Corporation
(Villupuram)Ltd.,
Vellore Region, Vellore. ...R3 in W.P.No.23636 of 2016

Prayer in WP No.23624 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.7,78,806/- towards Gratuity Rs.3,37,176/- towards Leave Salary Rs.1,26,441/- towards encashment of leave on personal affairs and further directing the respondents to pay him Rs.3,21,446/- towards the pension Commutation amount together with 18% interest per annum.

Prayer in WP No.23625 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.5,11,463/- towards Gratuity Rs.2,57,856/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,32,245/ towards the pension

Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23626 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.5,75,706/- towards Gratuity and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,43,395/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23627 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.6,11,077/- towards Gratuity Rs.2,840/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,60,171/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23628 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.7,96,689/- towards Gratuity Rs.4,75,200/- towards Leave Salary and Rs.1,35,360/- towards encashment of leave on personal affairs, together with 18% interest per annum and further directing the respondents to pay him Rs.3,29,884/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court

Prayer in WP No.23629 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the

petitioner Rs.4,29,180/- towards Gratuity and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.1,94,274/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23630 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.6,76,843/- towards Gratuity Rs.51,920/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,81,567/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in W.P.No.23631 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.6,20,176/- towards Gratuity Rs.10,176/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,67,905/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in W.P.No.23632 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.5,96,469/- towards Gratuity Rs.5,530/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,65,294/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23633 of 2016:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble court may be pleased to issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the 1st respondents to pay the petitioner Rs.6,08,146/- towards Gratuity Rs.2,538/- towards Leave Salary and arrears of salary for the period from 1.9.13 to 31.3.15 payable pursuant new wage settlement dated 13.4.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2,62,681/- towards the pension Commutation amount together with 18% interest per annum within a time frame as may be fixed by this Honourable court.

Prayer in WP No.23634 of 2016:

For the reasons 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 Directions more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity, Pension Commutation and Leave encashment amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.03.2016 within stipulated time as may be fixed by this Court and pass such further or other orders as this Hon'ble Court.

Prayer in WP No.23635 of 2016:

For the reasons 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 Directions more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to arrears Amount and Family Welfare fund by calculating D.A. eligible as per fixation made by the Government of Tamilnadu periodically along with entitled difference of dearness allowance also with interest at 12% per annum with effect from 01.11.2007 within stipulated time as may be fixed by this Honorable Court and pass such further or other orders as this Hon'ble Court.

Prayer in WP No.23636 of 2016:

For the reasons 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 Directions more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Provident

Fund, Gratuity, Pension Commutation and Leave encashment amount by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.03.2016 within stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court.

Prayer in WP No.23637 to 23645 of 2016

For the reasons 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 Directions more particularly in the nature of Writ of Mandamus directing the respondents to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Commutation, 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 and pass such further or other orders as this Hon'ble Court.

Prayer in WP No.23695 of 2016:

For the reasons 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 Directions more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payment relating to Gratuity by calculating DA 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 1.1.2013 within the stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court.

Prayer in WP No.23704 of 2016:

For the reasons stated in the accompanying affidavit it is respectfully prayed that this Hon'ble court may be pleased to issue a Writ or Directions more specifically a Writ of Mandamus directing the respondent to disburse the petitioner's terminal benefits such as Gratuity, Surrendered Earned Leave Encashment, ERBF, Pension arrears from December 2012 to October 2013 and benefits as per revised Pay Scale in accordance with settlement scheme with interest till the date of final payment in lieu of his retirement dated 30.11.2012 as Senior Tradesman (TR 0711) from the Office of the respondent, Erumapalayam Branch

II to Salem District and pass such further other orders and thus render justice.

Mr.R.Krishnaswamy :For Petitioner in W.P.No.23624
to 23633 of 2016
Mr.J.Pradeep :For Petitioner in
W.P.No.23634 to 23636/2016,
23695/2016
M/S.A.Rajendran :For Petitioner in W.P.No.23637 to
23645/2016
M/S.Sai Bharath Ilan : For Petitioner in W.P.No.23704 /2016

VS

Mr.P.Kannan Kumar :For Respondent in W.P.No.23624
to 23633/2016
Mr.P.Paramasivadosh :For Respondents in W.P.No.23634
to 23636/2016, 23695/2016
Mr.S.Sai Raman :For Respondent in W.P.No.23637 to
23645/2016
Mr.R.K.Gandhi :For Respondent in W.P.No.23704/2016

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 01.10.2016.

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 Management of
Tamilnadu State Transport Corporation (Kovai) Limited
rep. by its Managing Director
Coimbatore.

- 2.The Administrator
Tamil Nadu State Transport Employees' Pension Fund Trust
Thiruvalluvar Illam
Anna Salai
Chennai-2.
- 3.The Managing Director,
TamilNadu State Transport
Corporation(Villupuram) Limited,
Vazhuthareddy,
Villupuram-605602.
- 4.The General Manager,
TamilNadu State Transport Corporation(Villupuram) Limited,
Vellore Region,
Vellore.
- 5.The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Wefare Fund Scheme,
Thiruvalluvar House, PallavanSalai,
Chennai-600 002.
- 6.The Managing Director,
Tamilnadu State Transport Corporation
(Salem) Ltd. ,
No.12 Ramakrishna Road,
Salem 636 007.
- 7.The General Manager,
Tamilnadu State Transport Corporation
(Salem) Limited, Dharmapuri Region, Salem,
Main Road, Bharathipuram,
Dharmapuri 636 705.
- 8.The General Manager ,
State Express Transport Corporation,
Pallavansalai, Chennai.
- 9.The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
37 Mettupalayam Road,
Coimbatore-641 043.

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

11.The Managing Director,
TamilNadu State Transport Corporation
Salem Ltd.,
Salem Division.

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

+1cc to M/S.V.Ajay Khose, Advocate sr.38584
+4cc to M/S.J.Pradeep, Advocate Sr.38829
+1cc to Mr.S.Sairaman, Advocate Sr/38562
+9cc to Mr.A.Rajendran, Advocate Sr.38564
+1cc to Mr.Sai Bharath Ilan, Advocate Sr.39098
+3 cc to Mr.P.Paramasivadoss, Advocate sr.38800 to 38802

W.P.Nos. 23624 to 23633 of 2016
23634 to 23636 of 2016,
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23704 of 2016

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