

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.7.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.24023 to 24031 of 2016

N.Hutchan ...Petitioner in W.P.No.24023 of 2016
R.Shemanathan ...Petitioner in W.P.No.24024 of 2016
K.Vasanthakumar ...Petitioner in W.P.No.24025 of 2016
M.Kothandapani ...Petitioner in W.P.No.24026 of 2016
B.Babu ...Petitioner in W.P.No.24027 of 2016
C.Murugan ...Petitioner in W.P.No.24028 of 2016
B.Rajendran ...Petitioner in W.P.No.24029 of 2016
S.Duraisami ...Petitioner in W.P.No.24030 of 2016
N.Chikkannan ...Petitioner in W.P.No.24031 of 2016

versus

The Government of Tamil Nadu,
rep. By its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai 600 009.

...R1 in W.P.No.24023,
24024/2016,24025,
24026,24027,24028,24029,
24030,24031/2016

The Managing Director
Tamil Nadu State Transport Corporation(CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore 641 043.

...R2 in W.P.24023,24025/2016,
24028/2016,24029,
24030,24031/2016

The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation(CBE) Ltd.,
Head Office, No.37, Mettupalayam road,
Coimbatore-641 043.

... R3 in W.P.No.24023,
24025/2016,
24028,24030,24031/2016

The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137 Salamedu Valuthareddy Post
Villupuram 605 602.

...R2 in W.P.No.24024/2016,
24026/2016,24027/2016

The Financial Advisor and
Chief Accounts Officer Tamil Nadu State
Transport Corporation (VPM) Ltd.
3/137 Salamedu Valuthareddy Post
Villupuram 605 602.

...R3 in W.P.No.24024/2016,
24026/2016,24027/2016

The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai
Chennai 2.

...R4 in W.P.24024/2016,24025/2016,
24026/2016,24027/2016

Prayer in W.P.No.24023 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as Leave on Private Affairs and Difference in Encashment of EL (235 days) with interest of 18% interest on delayed payment to the petitioner from 31.5.2006 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 12.6.2015.

Prayer in W.P.No.24024 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as the Gratuity Amount Commutation of Pension Leave on Encashment (EL) Amount Pension Arrears, Arrears of April Months Pension and Provident Fund Arrears and other eligible terminal benefits after duly taken into account the settlement benefits and enhanced dearness allowance 18% interest on delayed payment to the petitioner from 31.3.2015 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 12.6.2015.

Prayer in W.P.No.24025 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as the Gratuity Amount Settlement Arrears DA Arrears Commutation of Pension 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 31.5.2014 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 12.6.2015.

Prayer in W.P.No.24026 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as Gratuity Commutation of Pension Leave Encashment (EL) Leave Encashment (ML-98) Arrears of Leave Surrender (EL) for 2 years DA Arrears Reimbursement of Medical College and Engineering College Settlement Arrears Social Security Scheme and other eligible retirement benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 31.5.2016 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 12.6.2015.

Prayer in W.P.No.24027 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents 2 to 4 to settle the petitioners retirement benefits such as Gratuity Amount Commutation of Pension Leave on Encashment (EL) Amount Arrears of Leave Surrender for 2 years (EL) Reimbursement of Medical College and Engineering College amount and other attendant benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 30.4.2016 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 12.6.2015.

Prayer in W.P.No.24028 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as PF Amount Gratuity Leave Encashment (EL) Leave Encashment (ML-98) Leave Surrender EL for 15 days Settlement Arrears Social Security Scheme and other eligible retirement benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 29.2.2016 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 12.6.2015.

Prayer in W.P.24029 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as Gratuity Amount and Encashment of ML-98 after duly taken into account the enhanced dearness allowance with interest of 18% interest on delayed payment to the petitioner from 31.5.2013 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 12.6.2015.

Prayer in W.P.No.24030 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as Leave Encashment (EL) - 106 days Leave Encashment (ML-98) - 63 days Surrender of EL - 15 days 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 30.4.2012 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 12.6.2015.

Prayer in W.P.No.24031 of 2016:

For the reasons stated in the accompanying affidavit, it is, therefore, prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other Writ, or direction, directing the respondents to settle the petitioners retirement benefits such as Gratuity Amount Leave Encashment (EL) Amount Leave Encashment (ML) 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 31.10.2014 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 12.6.2015.

For petitioner ... Mr.V.S.Jagadeesan

For respondents ... Mr.P.Chinnadurai, for R-1

Mr.R.S.Selvam, for respondents 2, 3

COMMON ORDER

Heard Thiru.V.S.Jagadeesan, learned counsel for the petitioner and Thiru.P.Chinnadurai, learned counsel for the 1st respondent and Thiru.R.S.Selvam, for respondents 2 and 3.

2. With the consent of both the sides, the Writ Petitions are taken up for disposal.

3. The petitioners are employees of the respondent/Transport Corporation and have attained the age of superannuation and retired from service. However, their pensionary benefits has not been settled and therefore, the petitioners have approached this Court and filed the present Writ Petition to consider their representation for grant of pension.

4. It is brought to the notice of this Court by the learned counsel appearing on either side that this Court has considered a similar Writ Petition, and following the order passed by the Hon'ble Division Bench in the case of K.Rajendran and others vs. The Tamil Nadu State Transport Corporation (Madurai) Ltd. represented by its Managing Director, Madurai and others), dated 12.6.2015, issued directions to the respondent Corporation to settle the entire terminal benefits due and payable to the petitioner in twelve equal installments, carrying interest @ 6% p.a.

5. In the light of the said order, these Writ Petitions are disposed of with a direction to the respondent/Corporation to settle the entire terminal benefits due and payable to the

petitioners in twelve equal installments, carrying interest @ 6% p.a. First of such installments shall commence from August 2016. All the payments shall be paid on 7th of each month. In the event of delay in payment of any one of the installments, the same shall be payable along with interest at 18% p.a., for the delayed payment, and leaving it open to the petitioners to invoke other remedies available to them in the event of such non payment of installments.

6 . The Writ Petitions stand disposed of as indicated above.
No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary,
Transport Department,
Secretariat, Fort St.George, Chennai 600 009.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)Ltd
Head Office, No.37, Mettupalayam Road,
Coimbatore 641 043
- 3 The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (CBE)Ltd.,
Head Office, No.37, Mettupalayam road,
Coimbatore-43.
- 4 The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.
3/137 Salamedu Valuthareddy Post
Villupuram 605 602.

5 The Financial Advisor and
Chief Accounts Officer Tamil Nadu State
Transport Corporation (VPM) Ltd.
3/137 Salamedu Valuthareddy Post
Villupuram 605 602.

6 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai
Chennai 2.

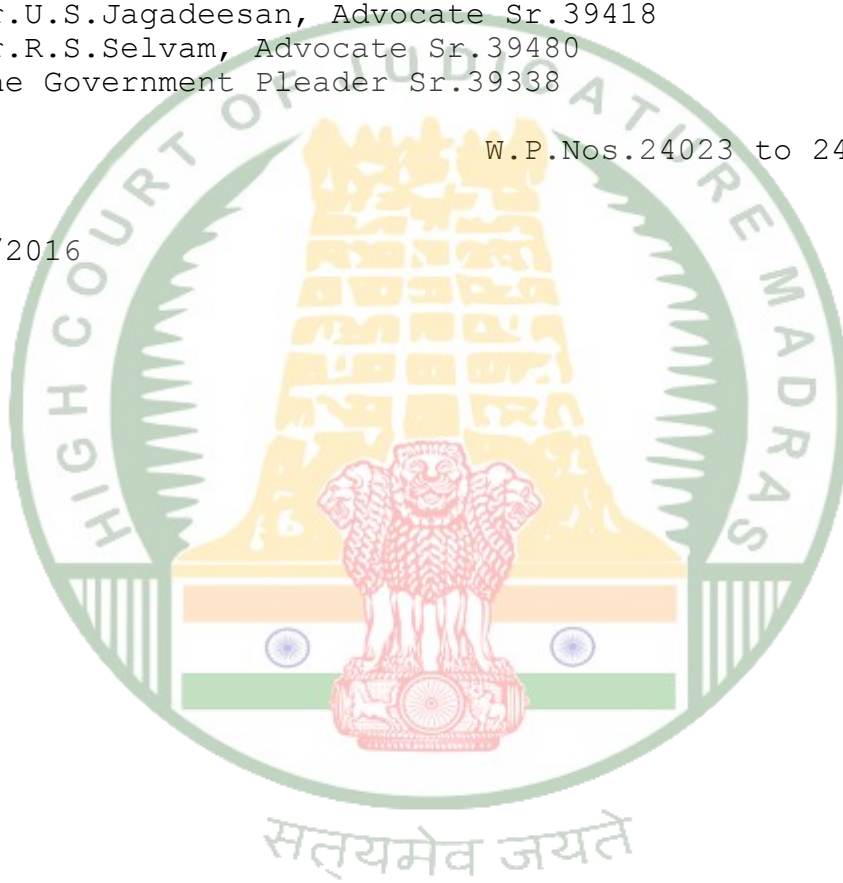
+9cc to Mr.U.S.Jagadeesan, Advocate Sr.39418

+1cc to Mr.R.S.Selvam, Advocate Sr.39480

+1cc to the Government Pleader Sr.39338

W.P.Nos.24023 to 24031 of 2016

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srg 02/08/2016



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