

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 24619,
24646 to 24656 of 2016,
24683 to 24685 of 2016
and 24688 and 24689 of 2016

V.Rajendran	..	Petitioner	W.P.No. 24619	of 2016
S.Sundararajan	..	Petitioner	W.P.No. 24646	of 2016
M.Kolanji	..	Petitioner	W.P.No. 24647	of 2016
V.Sampath	..	Petitioner	W.P.No. 24648	of 2016
A.Ramadoss	..	Petitioner	W.P.No. 24649	of 2016
B.Hidhathullah	..	Petitioner	W.P.No. 24650	of 2016
R.Nagarajan	..	Petitioner	W.P.No. 24651	of 2016
V.Thanasekaran	..	Petitioner	W.P.No. 24652	of 2016
R.Kaliappan	..	Petitioner	W.P.No. 24653	of 2016
K.Sumathi Bai	..	Petitioner	W.P.No. 24654	of 2016
P.Azhagesan	..	Petitioner	W.P.No. 24655	of 2016
M.Kasilingam	..	Petitioner	W.P.No. 24656	of 2016
K.Sampath	..	Petitioner	W.P.No. 24683	of 2016
N.Devarasu	..	Petitioner	W.P.No. 24684	of 2016
A.Varadarajan	..	Petitioner	W.P.No. 24685	of 2016
P.Chellamuthu	..	Petitioner	W.P.No. 24688	of 2016
R.M.Murugesan	..	Petitioner	W.P.No. 24689	of 2016

Vs.

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602.
- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai-600 002.

.. Respondents

- 1 The Managing Director
Tamilnadu State Transport Corporation
(Villupuram) Ltd,
3/137 Salamedu,
Villupuram- 605 602.
- 2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,
Pallavan Salai,
Chennai-600 002.Respondents in W.P.Nos.24646
to 24656/2016
- 1 The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd,
NO.12 Ramakrishnan Road,
Salem-636 007.
- 2 The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Ltd, Dharmapuri Region,
Bharathipuram, Dharmapuri.
- 3 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.Respondent 1 to 3 in
W.P.No.24683 to 24685/2016
- 1 The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
12 Ramakrishna Road, Salem-636 007.
- 2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai.
Chennai-2.Respondents in W.P.Nos.24688,
24689 of 2016

Prayer in Writ Petition No.24619 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, Commutation 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., 31.03.2016 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.Nos.24646 to 24656 of 2016

COMMON PRAYER

Writ Petition praying to Writ of Mandamus to direct the respondent to settle terminal benefits like Gratuity Leave Salary pension arrears Commutation of pension and wage settlement arrears with 12% interest from the date of retirement to the date of payments to the petitioner.

W.P.Nos.24688 & 24689 of 2016:

COMMON PRAYER

Writ Petition praying to Writ of Mandamus directing the respondents to disburse the payments relating to the Provident Funds Gratuity Pension Commutation Family Welfare Fund Balance ERBS Pension Arrears Surrender Leave Salary i.e. Earned Leave balance as on 31.5.2016 balance Dearness Allowance Surrender Medical Leave Salary upto 1.9.1998 by calculating D.A.Elignable as per newly implemented Scheme with interest at 12% per annum with effect from 1.4.2016 within stipulated time as may be fixed by this Honourable Court.

W.P.No.24683 to 24685 of 2016

COMMON PRAYER

Writ Petition Praying Writ of Mandamus, directing the respondents to settle the petitioners retirement benefits including Provident Fund Gratuity commutation EL Surrender pension arrears 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. 31.07.2015 to till date of actual payment to the petitioner within the time that may be stipulated.

For Petitioner : Mr.T.Pappaiah Dharmarajan
in W.P.No.24619/2016

For Respondents : Mr.S.Sairaman
in W.P.No.24619/2016 Standing Counsel

For Petitioner in : Mr.S.T.Varadarajulu
W.P.Nos.24646
to 24656/2016

For Respondent in
W.P.Nos.24646
to 24656/2016 : Mr.P.Paramasivados SC

For Petitioner in
W.P.Nos.24683
to 24685 of 2016 :Mr.M.Selvam

For Respondent in
W.P.Nos.24683
to 24685 of 2016 :Mr.R.K.Gandhi

For Petitioner in
W.P.Nos.24688,
24689/2016 : Mr.I.C.Vasudevan

For Respondent in
W.P.Nos.24688,
24689/2016 :Mr.R.K.Gandhi

COMMON ORDER

By consent, these Writ Petitions are taken up together 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 15.10.2016.

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 Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602.
2. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
3. The Administrator
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Thiruvalluvar House, Pallavan Salai
Chennai-600 002.
4. The Managing Director
Tamilnadu State Transport Corporation
(Villupuram) Ltd,
3/137 Salamedu,
Villupuram- 605 602.
5. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund,

Pallavan Salai,
Chennai-600 002.

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Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.
9. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
12 Ramakrishna Road, Salem-636 007.
10. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai.
Chennai-2.

+11cc to Mr.S.T.Varadarajulu, Advocate sr.40226 to 40231
+2cc to Mr.I.C.Vasudevan, Advocate sR.40320,40321
+3cc to Mr.Selvam, Advocate Sr.40131
+1cc to Mr.Pappaiah Dharmarajan, Advocate Sr.40133
+1cc to Mr.S.Sairaman, Advocate sr.40105

WEB COPY W.P.Nos. 24619,
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srg 09/08/2016