

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.24867 to 24877 of 2016

Mr.R.Manoharan	.. Petitioner in WP.24867/16
Mr.N.Arunachalam	.. Petitioner in WP.24868/16
Mr.D.Manoharan	.. Petitioner in WP.24869/16
Mr.J.Kuppusamy	.. Petitioner in WP.24870/16
Mr.N.Balu Naidu	.. Petitioner in WP.24871/16
Mr.K.Anandan	.. Petitioner in WP.24872/16
Mr.M.Gunasekaran	.. Petitioner in WP.24873/16
Mr.T.Raju	.. Petitioner in WP.24874/16
Mr.V.G.Vijayan	.. Petitioner in WP.24875/16
Mr.P.Sriitharan	.. Petitioner in WP.24876/16
Mr.K.Perumal	.. Petitioner in WP.24877/16

Vs.

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy,
Villupuram-605 602. ..1st Respondents in all WPs
- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Rangapuram, Vellore Region,
Vellore. ..2nd Respondents in WP.24867/16,
24869 to 24877/16
- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Tiruvannamalai Region,
Tiruvannamalai. ..2nd Respondents in WP.24868/16
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002. ..3rd Respondents in all WPs

Prayer in Writ Petition No.24867 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 disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave), 2013 Settlement Effect Arrears as per new Basic, Engineering & Medical College Share, and all other retirement 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 01.02.2015 within the stipulated time as may be fixed by this Court.

WP.No.24868/16: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave & Medical Leave) Pension Arrears and DA Arrears and by calculating D.A. eligible 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 Honourable Court.

WP.No.24869/16: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Engineering & Medical College Share and all other Retirement 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 01.06.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.no.24870/16: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Last Month 10 Days Salary Engineering & Medical College Share and all other Retirement 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 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24871/16: Writ of mandamus, directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment and other Retirement Benefits by calculating D.A. eligible as per the newly implemented Scheme with interest at 12% per annum with effect from 01.01.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24872/16: Writ of mandamus, directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment and other Retirement Benefits by calculating D.A. eligible as per the newly implemented Scheme with interest at 12%

per annum with effect from 01.01.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.no.24873/16:Writ of mandamus, directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Last Month 10 days Salary and All other Retirement 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 01.02.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24874/16: Writ of mandamus, Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Last Month 10 days Salary and All other Retirement 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 01.06.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24875/16: Writ of mandamus, Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Last Month 10 days Salary Engineering & Medical College Share and All other Retirement 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 01.11.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24876/16:Writ of mandamus, Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Last Month 10 days Salary and All other Retirement 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 01.10.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.24877/16: Writ of Mandamus, Directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic Engineering & Medical College Share and All other Retirement 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 01.06.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Pradeep
in all WP's

For Respondents : Mr.R.K.Gandhi
in all WP's Standing Counsel
for Transport Corporation

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 have been 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/-
Asst.Registrar

/true copy/

Sub Asst. 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
Rangapuram, Vellore Region,
Vellore.
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.

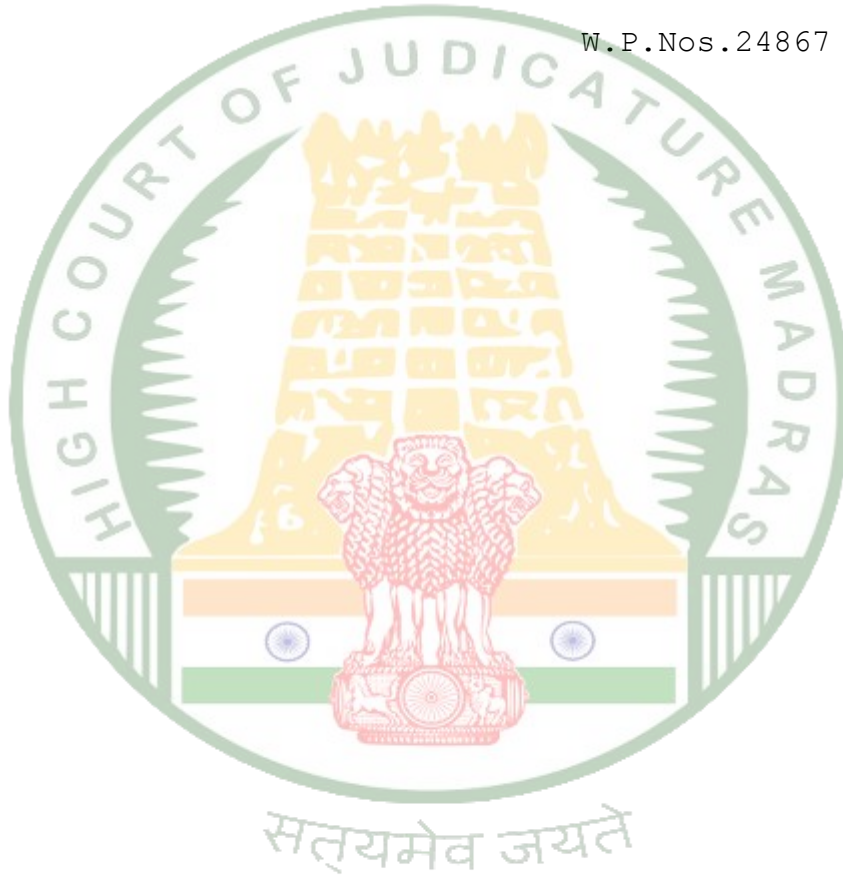
4.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Tiruvannamalai Region,
Tiruvannamalai.

+11 cc to Mr.J.Pradeep,advocate,sr.40939

+2 cc's to Mr.R.K.Gandhi, advocate,sr.41492.

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