

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 25709 and 25710 of 2016,
25738 to 25745 of 2016,
25746 to 25751 of 2016, 25787 of 2016 and
25793 to 25796 of 2016

- 1 N.RAGUPATHY ... PETITIONER in WP No.25709 of 2016
STAFF NO.AM 0361
- 1 S.K.SELVANAYAGAM ... PETITIONER in WP No.25710 of 2016
PR NO.83AM2J00141
- 1 N.KANDASAMY ... PETITIONER in WP No.25738 of 2016
- 1 P.CHINNSAMY ... PETITIONER in WP No.25739 of 2016
- 1 J.SRIDHAR ... PETITIONER in WP No.25740 of 2016
- 1 A.SHANMUGAM ... PETITIONER in WP No.25741 of 2016
- 1 K.RAJENDRAN ... PETITIONER in WP No.25742 of 2016
- 1 C.MANICKAM ... PETITIONER in WP No.25743 of 2016
- 1 S.K.JEEVA ... PETITIONER in WP No.25744 of 2016
- 1 P.DURAIRAJ ... PETITIONER in WP No.25745 of 2016
- 1 M.KARUPPANNAN ... PETITIONER in WP No.25746 of 2016
- 1 D.RAJENDRAN ... PETITIONER in WP No.25747 of 2016
- 1 S.R.SADHASIVAM ... PETITIONER in WP No.25748 of 2016
- 1 R.THILLAINAYAGAM ... PETITIONER in WP No.25749 of 2016
- 1 S.CHANDRASEKARAN ... PETITIONER in WP No.25750 of 2016
- 1 S.M.KADHAR MOHIDEEN ... PETITIONER in WP No.25751 of 2016
- 1 S.SAMBANDAMURTHY ... PETITIONER in WP No.25787 of 2016
- 1 N.MOHANDAS ... PETITIONER in WP No.25793 of 2016
- 1 K.NAGARAJAN ... PETITIONER in WP No.25794 of 2016
- 1 T.KANDASAMY ... PETITIONER in WP No.25795 of 2016
- 1 M.MURUGESAN ... PETITIONER in WP No.25796 of 2016

- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT FORT ST. GEORGE
CHENNAI-9

- 2 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION (VPM) LTD.
3/137 SALAMEDU VALUTHAREDDY POST
VILLUPURAM 605 602

... RESPONDENTS in WP No.25709 of 2016

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT TRANSPORT DEPARTMENT FORT ST.
GEORGE CHENNAI-9

2 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION (CBE)
LTD. 37 METTUPALAYAM ROAD COIMBATORE 641
043

3 THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALLUVAR HOUSE
PALLAVANSALAI CHENNAI-2

... RESPONDENTS in WP No.25710 of 2016

1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNA ROAD SALEM
636 007

2 THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
(SALEM) LTD. EMPLOYEES POST RETIREMENT
WELFARE FUND SCHEME THIRUVALLUVAR HOUSE
PALLAVAN SALAI CHENNAI-2

... RESPONDENTS in WP Nos.25738,25739, 25740,25741,25742,25743,
25744, 25745,of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD NO.12 RAMAKRISHNA ROAD SALEM-
636 007.

... RESPONDENTS in WP Nos.25746 To 25751 of 2016

... RESPONDENTS in WP Nos.25794 to 25796 of 2016

1 TAMILNADU STATE TRANSPORT
CORPORATION (VILLUPURAM) LTD. REP BY THE
MANAGING DIRECTOR 3/137 SALAMEDU VELUDHA
REDDY POST VILLUPURAM 605 602

2 TAMILNADU STATE TRANSPORT
CORPORATION (VILLUPURAM) LTD. REP BY THE
GENERAL MANAGER KANCHEEPURAM REGION
KANCHEEPURAM 631 552

3 TAMIL NADU STATE TRANSPORT
CORPORATION (VILLUPURAM) LTD. EMPLOYEES
POST RETIREMENT WELFARE FUND SCHEME REP BY
THE ADMINISTRATOR THIRUVALLUVAR HOUSE

PALLAVAN SALAI CHENNAI 2

... RESPONDENTS in WP No.25787 of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(COVAI) LTD. COIMBATORE-641 043.

... RESPONDENT in WP No.25793 of 2016

PRAYER:-

WP No.25709 of 2016

directing the 2nd respondent to disburse the retirement benefits, viz., Gratuity of Rs.2,50,660/- (Rupees Two Lakhs fifty thousand six hundred and sixty only) with 18% interest on delayed payment to the petitioner St. No.AM 0361 who is retired from service on 30.9.2012 as Work Inspector in the 2nd respondents office

WP No.25710 of 2016

directing the 2nd & 3rd respondent to disburse the retirement benefits, viz., Provident Fund Contribution Amount of Rs.5,20,992/- Earned Leave Surrender Salary of Rs.6,17,248/- Gratuity amount of Rs.10,00,000/- pension computation amount of Rs.7,42,340/- Leave on Private Affairs of Rs.3,50,000/- and the total comes to Rs.32,30,580/- (Rupees Thirty Two Lakhs Thirty thousand Five hundred and Eighty only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.6.2015 as Senior Deputy Manager in the 2nd respondents Office.

WP No.25738 of 2016, 25744, 25746, 25749/16

directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.7.2015 within the time stipulated by this Honourable court

WP No.25739 of 2016

directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.8.2015 within the time stipulated by this Honourable court

WP No.25740 of 2016 & 25747/16

directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.1.2016 within the time stipulated by this Honourable court

WP No.25741 of 2016 & 25745/16

directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.2.2016 within the time stipulated by this Honourable court

WP No.25742 of 2016 & 25743/16
directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.5.2016 within the time stipulated by this Honourable court

WP No.25748 of 2016 & 25750/16
Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 1.6.2011 within the time stipulated by this Honourable Court

WP No.25751 of 2016
Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 16.5.2013 within the time stipulated by this Honourable Court

WP No.25787 of 2016
directing the respondents to settle the retirement benefits payable to the petitioner including Service Gratuity, Commutation Amount, Leave Salary, Revised Pension with Arrears and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Honourable Court by considering and passing orders on the representation of the petitioner dt 26.5.2016

WP No.25793 of 2016 TO 25796/16
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 30.06.2014 (i.e) the date of retirement

FOR PETITIONER : MR.D.VEERASEKARAN
for WP.NOS.25709 & 25710/16

MR.A.SELVARAJU
FOR WP.NOS.25738 TO 25745/16
WP.NOS.25746 TO 25751/16

MR.N.ISHAK
FOR WP.NO.25787/16

MR.T.JEEVANANTHAM
WP.NOS.25793 TO 25796/16

FOR RESPONDENTS : MR.A.KUMAR SPL.GP.FOR R1 IN WPS.25709 &
25710/16
MR.P.PARAMASIVADOSS SC FOR R2 & R3
IN WPS.25709 & 25710/16 & 25787/16

MR.R.K.GANDHI SC
FOR RESPONDENT
IN WPS.25738 TO 25751/16
& WPS.25793 TO 25796/16

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 01.11.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

paa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Principal Secretary to Government
Transport Department, Fort St.George,
Chennai-600 009.

2.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
3/137, Salamedu
Valuthareddy-Post
Villupuram-605 602.

3. The Managing Director
Tamil Nadu State Transport
Corporation (CBE) Limited,
37, Mettupalayam Road,
Coimbatore 641 043.

4. The Managing Director
Tamil Nadu State Transport
Corporation (SALEM) Limited,
12, Ramakrsihna Road, Salem 636 007.

5. The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region, Kancheepuram 631 552.
6. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai-2.
7. The Administrator,
Tamil Nadu State Transport Corporation (SALEM) Limited,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai, Chennai-2.

+ 2 CCS TO MR.D.VEERASEKARAN, ADVOCATE SR 41993 & 41994
+ 14 CCS MR.A.SELVARAJU, ADVOCATE SR 41977
+ 2 CCS TO MR.R.K.GANDHI, ADVOCATE SR 42300 & 42301
+ 1 CC TO MR.N.ISHAK, ADVOCATE SR 41902
+ 1 CC TO MR.P.PARAMASIVA DOSS, ADVOCATE SR 42205
+ 4 CCS TO MR.T.JEEVANANTHAM, ADVOCATE SR 42437 TO 42440

KR/19/8/16

W.P.Nos. 25709 and 25710 of 2016,
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सत्यमेव जयते

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