

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.Nos.26153 to 26166 of 2016

M.Murugan	...Petitioner in WP.26153/2016
G.Narasimhan	...Petitioner in WP.26154/2016
K.Dhanapal	...Petitioner in WP.26155/2016
V.Subramaniam	...Petitioner in WP.26156/2016
J.Dorairaj	...Petitioner in WP.26157/2016
P.S.Manoharan	...Petitioner in WP.26158/2016
K.Tamilarasan	...Petitioner in WP.26159/2016
V.Vaiyapuri	...Petitioner in WP.26160/2016
P.Gunasekaran	...Petitioner in WP.26161/2016
C.Chinnasami	...Petitioner in WP.26162/2016
V.Sampath	...Petitioner in WP.26163/2016
K.Tamilarasu	...Petitioner in WP.26164/2016
T.Annadurai	...Petitioner in WP.26165/2016
R.Jayagobi	...Petitioner in WP.26166/2016

Vs

- 1.The Managing Director, Tamil Nadu State
Transport Corporation (Salem) Limited,
Salem ...1st Respondent in
WP.26153 to 26165/2016
- 2.The General Manager, Tamil Nadu State
Transport Corporation (Salem) Limited ,
Dharmapuri Division, Dharmapuri ...2nd Respondent in WP.Nos.
26153 to 26163/16 &
26165/16
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement welfare fund scheme
Thiruvalluvar House,
Pallavan Salai, Chennai-2 ...3rd Respondent in
WP.No.26154/16,26156/16
26157/16,26159/16,26161/16
26162/16 & 26165/16

4.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram Limited)
Vazhuthareddy
Villupuram 605 602

...1st Respondent in WP.26166/16

5.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram Limited)
Vazhuthareddy
Villupuram-605 602

...2nd Respondent in WP.26166/16

Prayer:- WP.No. 26153 of 2016 is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the Respondents to disburse the payments relating to gratuity, leave encashment (earned leave), surrendered leave amount and ERBS amount 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 1.11.2012.

WP.NO.26154/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment (Earned & Old Medical Leave) 15 days Surrender leave amount at the time of employment 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 01.07.2014.

WP.NO.26155/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Leave Encashment (Earned Leave) Leave Surrender at the time of employment and ERBS 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 01.05.2012

WP.NO.26156/16: Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & medical Leave) Leave Surrender amount at the time of employment ERBS amount 5.5 settlement arrear and 5.5 pension arrear 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 01.07.2014

WP.No.26157/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Pension commutation Deducted Pension commutation amount Leave Encashment (Earned & medical Leave) 5.5 settlement arrear Pension arrear from 2014 to 2016 and ERBS 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 01.05.2014

WP.No.26158/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old medical Leave) Leave Surrender amount for the years 2009 to 2012 and ERBS 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 01.10.2013

WP.No.26159/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Provident fund Gratuity Pension commutation Welfare fund Leave Encashment (Earned & Old medical Leave) Leave surrender amount for 30 days in the year 2010 & 2011 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 01.12.2015

WP.NO.26160/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave) and ERBS 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 01.09.2012

WP.No.26161/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Pension commutation Leave Encashment (Earned & Old Medical Leave) 15 days surrender Leave amount at the time of employment 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

WP.No.26162/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Medical Leave) Leave surrender amount for the year 2010 2011 and 2012 at the time of employment ERBS amount 5.5 settlement arrear and 5.5 pension

arrear 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 01.10.2013

WP.No.26163/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Leave Encashment (Earned & Medical Leave) Leave surrender for the years (2010 2011 2012) and ERBS amount for 34 months from June 2012 to March 2015 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 01.06.2012

WP.NO.26164/16:Petition to issue a Writ of Mandamus Directing the Respondent to disburse the payments relating to Gratutiy Leave Encashment (Earned & Medical Leave) and ERBS 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 01.04.2013

WP.No.26165/16:Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratutiy Pension Commutation Deducted Pension commutation amount From Feb 2012 to Feb 2016 Leave Encashment (Earned & Old Medical Leave) Leave surrender amount for the year 2010 to 2014 Settlement arrears pension arrears D.A. arrears and ERBS 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 01.02.2014

WP.NO.26166/16: Petition to issue a Writ of Mandamus Directing the Respondents to disburse the payments relating to Gratutiy Leave Encashment (Earned & Medical Leave) 12(3) Settlement arrears and D.A. arrears by calcuating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.01.2016

For Petitioners : Mr.J.Pradeep
in all WPs
For Respondents : Mr.R.K.Gandhi
in all WPs

ORDER

The grievance of the petitioners in all these Writ Petitions is that even though they retired from the services of the Respondent Transport Corporation long back, till date, their terminal benefits have not been settled. In this regard, they also made representations to the Respondent Transport Corporation. Since there was no response, the Petitioners are before this court.

3. The learned counsel for the Petitioners brought to the notice of this Court the common judgement 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 Respondent Transport Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. The learned counsel would further submit that following the same, this Court has passed similar orders in several writ petitions and pray that a similar order may be passed in these Writ Petitions also.

4. On the above contentions of the learned counsel for the Petitioners, this court heard the learned standing counsel for the Respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the Respondent Transport Corporation is directed to disburse the terminal benefits to the petitioners in twelve equal monthly instalments, in the light of the common judgement passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.11.2016.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Srcm

To:

1.The Managing Director, Tamil Nadu State
Transport Corporation (Salem) Limited, Salem

2.The General Manager, Tamil Nadu State
Transport Corporation (Salem) Limited ,
Dharmapuri Division, Dharmapuri

3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement welfare fund scheme
Thiruvalluvar House,
Pallavan Salai, Chennai-2

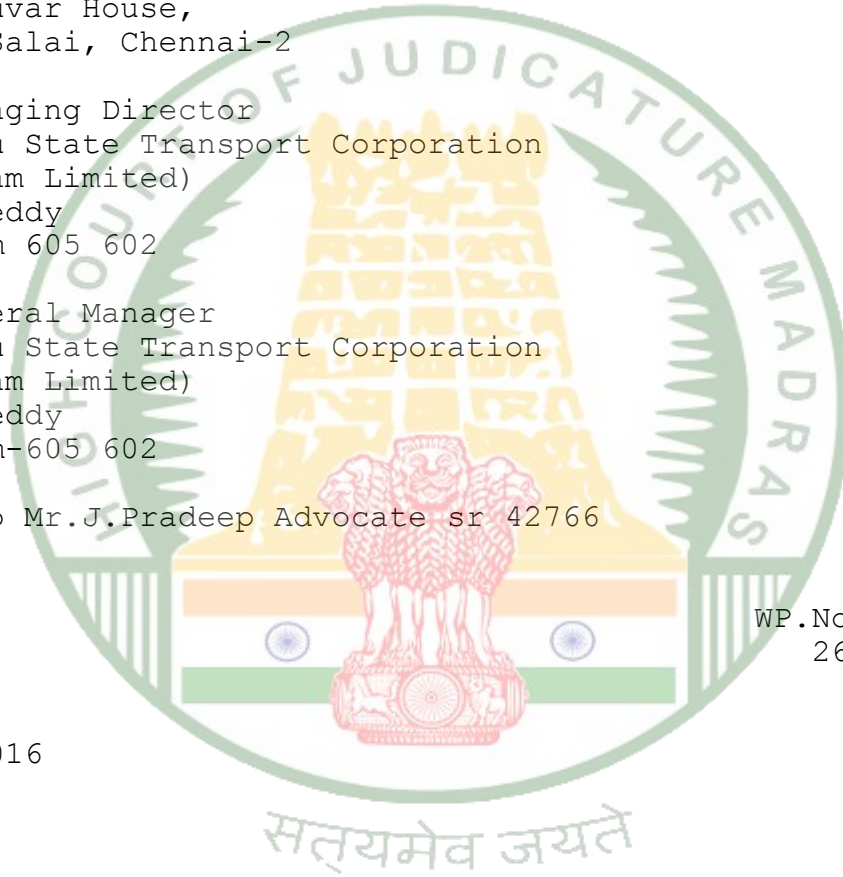
4.The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram Limited)
Vazhuthareddy
Villupuram 605 602

5.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram Limited)
Vazhuthareddy
Villupuram-605 602

+14 ccs to Mr.J.Pradeep Advocate sr 42766

WP.Nos.26153 to
26166 of 2016

aa23/08/2016



WEB COPY