

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 26236 to 26247 of 2016

L.Xavier ... Petitioner in WP.26236/2016
M.Dhanabal ... Petitioner in WP.26237/2016
R.Mohanakrishnan ... Petitioner in WP.26238/2016
P.Rajamani ... Petitioner in WP.26239/2016
R.Pandiyar ... Petitioner in WP.26240/2016
M.Egambaram ... Petitioner in WP.26241/2016
L.Jayabalan ... Petitioner in WP.26242/2016
K.Gopalakrishnan ... Petitioner in WP.26243/2016
M.Kumaralingam ... Petitioner in WP.26244/2016
N.Kumar ... Petitioner in WP.26245/2016
P.Pandiyar ... Petitioner in WP.26246/2016
T.Eswaran ... Petitioner in WP.26247/2016

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602. ...R1 in all WPs
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602. ...R2 in WP.26236,26237,26238
26240,26241,26242,26243,26244,
26246,26247/16
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ...R3 in WP.26236,26237,26238
26240,26241,26242,26243,26244
24245, 26246,26247/16
... R2 in WP.26239/16

4.The General Manager
Tamil Nadu State Transport
Corporation (villupuram) Ltd
Kancheepuram Region, Kancheepuram ...R2 in WP.26245/16

WP.NO.26236 of 2016:

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to disburse the payments relating to Gratuity 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% p.a. with effect from 01.05.2013 within the stipulated time as may be fixed by this Court.

WP.No.26237 of 2016:Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Leave on Private affairs pension arrears 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 01.09.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.26238 of 2016: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ of Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears amount Pension arrears 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 01.03.2015 within the stipulated time as may be fixed by this Honourable Court

WP.No.26240 of 2016:Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ Order or direction in the nature of Writ directing the respondents to settle the petitioner's retirement benefits including the Gratuity, Commutation, Leave Encashment (Earned Leave on Retirement, and Leave on Private Affairs amount and all other attendant retirement benefits etc., by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.05.2015 within the stipulate time as may be fixed by this Hon'ble Court.

WP.NO.26240 of 2016: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears amount pension arrears 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 01.12.2014 within the stipulated time as may be fixed by this Honourable Court

WP.No.26241 of 2016:Writ Petition filed under article 226 of Constitutio of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears amount pension arrears 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 01.2.2015 within the stipulated time as may be fixed by this Honourable Court

WP.NO.26242 of 2016:Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Pension arrears and all other retirement Benefits 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 01.6.2013 within the stipulated time as may be fixed by this Honourable Court

WP.NO.26243 of 2016:Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) and all other retirement benefits 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 01.03.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.26244 of 2016: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) and all other retirement benefits 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 01.07.2013 within the stipulated time as may be fixed by this Honourable Court

WP.NO.26245 of 2016: Writ petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension Commutation and Leave Surrender (Earned Leave & Old Medical Leave) New Settlement Effect arrears Pension Arrears and all other retirement benefits 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 within the stipulated time as may be fixed by this Honourable Court

WP.NO.26246 of 2016:Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the respondents to disburse the payments relating to Gratuity Pension commutation Leave Surrender (Earned Leave & Old Medical Leave) and all other benefits Pension arrears 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 01.03.2014 within the stipulated time as may be fixed by this Honourable Court

WP.NO.26247 of 2016: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ or Mandamus Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) pension arrears 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 01.06.2013 within the stipulated time as may be fixed by this Honourable Court

For Petitioner : Mr.J.Pradeep
For Respondents : Mr.P.Paramsivadosh
Senior Counsel

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 the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there is no response. Hence, 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 respective Transport Corporation/authority concerned is 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 15.11.2016.

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

s/d-
Assistant Registrar(CS-III)

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,
Vazhuthareddy,
Villupuram - 605 602.

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 Ltd
Kancheepuram Region,
Kancheepuram

+12 ccs to Mr.J.Pradeep Advocate sr.42914
+1 cc to Mr.P.Paramsivadoss Advocate sr.42971

W.P.Nos. 26236 to 26247 of 2016

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