

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 26248 to 26259 of 2016

D.Ramanujam	.. Petitioner	in WP 26248/16.
R.Viswanathan	.. Petitioner	in WP 26249/16.
R.Kannadasan	.. Petitioner	in WP 26250/16.
N.Rajavelu	.. Petitioner	in WP 26251/16.
P.Kolanji	.. Petitioner	in WP 26252/16.
D.Chandrasekaran	.. Petitioner	in WP 26253/16.
P.Sekar	.. Petitioner	in WP 26254/16.
S.Danapal	.. Petitioner	in WP 26255/16.
M.Kamalakkannan	.. Petitioner	in WP 26256/16.
K.Pushpalingam	.. Petitioner	in WP 26257/16.
T.G.Ramalingam	.. Petitioner	in WP 26258/16.
A.Shanmugam	.. Petitioner	in WP 26249/16.

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602. ..1st Respondent in all WPs
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602. ..2nd Respondent in WP 26248/16,
26253/16, 26256, 26258/16
3. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore 607001 ..2nd Respondent in WP 26249/16,
26250/16, 26251, 26252, 26254,
26255, 26257, 26259/16

4. The Administrator,
TNSTC Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Chennai 2.

.. 3rd Respondent in WP 26253, 26254,
26255, 26256, 26257, 26258/2016.

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, Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and other benefits by calculating D.A. 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% p.a. with effect from 01.06.2013 within the stipulated time as may be fixed by this Court. (in WP 26248/16)

WP 26249 of 2016: 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) DA arrears and other 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 26250 of 2016: To issue Directing the respondents to disburse the payments relating to Gratuity DA arrears and others 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 within the stipulated time as may be fixed by this Honourable Court.

WP 26251 of 2016: Directing the respondents to disburse the payments relating to Gratuity Settlement Arrears amount DA arrears and others 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 within the stipulated time as may be fixed by this Honourable Court.

WP 26252 of 2016: Directing the respondents to disburse the payments relating to Gratuity DA arrears and others 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 01.02.2013 within the stipulated time as may be fixed by this

Honourable Court.

WP 26253 of 2016: 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 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 01.03.2014 within the stipulated time as may be fixed by this Honourable Court.

WP 26254 of 2016: 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 and all others 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 01.06.2014 within the stipulated time as may be fixed by this Honourable Court.

WP 26255 of 2016: 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 01.06.2015 within the stipulated time as may be fixed by this Honourable Court

WP 26256 of 2016: 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 and others 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 26257 of 2016: 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 01.02.2014 within the stipulated time as may be fixed by this Honourable Court

WP 26258 of 2016: 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 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 01.02.2015 within the stipulated time as may be fixed by this Honourable Court

WP 26259 of 2016: Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Old Medical Leave) DA arrears and other 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

For Petitioner : Mr.J.Pradeep
in all WPs

For Respondents : Mr.P.Paramsivadosh
Standing Counsel
for R1 in all.

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.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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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 General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore 607001
4. The Administrator,
TNSTC Employees Post Retirement
Welfare Fund Scheme,
Thiruvalluvar House, Chennai 2.

12 ccs to Mr.J.Pradeep, Advocate, sr.42915

W.P.Nos. 26248 to 26259 of 2016

ca co
kra 17.08.2016