

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 26311 to 26318 of 2016

1.K.Marimuthu
Staff No.CR2468 ..Petitioner in WP.26311/16
2.S.Rajendran
Staff No.TZ0751 ..Petitioner in WP.26312/16
3.P.Chandrasekaran
Staff No.*CR2371 ..Petitioner in WP.26313/16
4.M.Settu
Staff No.TR0443 ..Petitioner in WP.26314/16
5.S.Selvakumar
Staff No.EF0084 ..Petitioner in WP.26315/16
6.A.Marimuthu
Staff No.CR3008 ..Petitioner in WP.26316/16
7.I.Govindasamy
Staff No.DR2491 ..Petitioner in WP.26317/16
8.A.Sitthik
Staff No.EF0075 ..Petitioner in WP.26318/16

Vs.

1. The Government of Tamil Nadu,
Rep. by the Secretary,
Transport Department,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

.. Respondents in all WPs

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus,

(1)WP.No.26311/16: to direct the respondents to settle the petitioner's retirement benefits including Gratuity, IRT amount, Medical Leave, ERBS pension arrears, DA arrears, Leave Surrender (EL & ML) and settlement arrears in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, direct the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement, i.e. 31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

WP.26312/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation IRT amount Medical leave ERBS pension arrears DA arrears Labour Welfare Fund EL Surrender Salary arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.6.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.26313/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS pension arrears DA arrears Medical Leave Leave Surrender in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.6.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.26314/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation IRT amount Medical leave ERBS pension arrears DA arrears Labour Welfare Fund EL Surrender Salary arrears in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e.

31.7.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.26315/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity IRT amount Medical leave ERBS pension arrears DA arrears Settlement benefits Provident fund Leave Surrender (EL & ML) in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.5.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.26316/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity IRT amount Medical leave ERBS pension arrears DA arrears Leave Surrender (EL & ML) in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.9.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.no.26317/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation IRT amount Medical leave ERBS pension arrears DA arrears ML Surrender in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.7.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.26318/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity IRT amount Medical leave ERBS pension arrears DA arrears Labour Welfare Fund Leave Surrender in other benefits etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 31.1.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court respectively.

For Petitioner : Mr.M.Selvam
all WPs
For R1 in all WPs : Mr.A.Kumar,
Special Government Pleader
For R2 to R4 in
all WPs : Mr.R.K.Gandhi
Standing 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 Managing Director and General Manager of the 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 15.11.2016.

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

Sd/-
Asst.Registrar
Dt.22/8/16

***Corrected as per the letter dt.14.9.16
and made herein
sd/-
Sub Assistant Registrar**

/true copy/

Sub Asst. Registrar

To

1. The Secretary,
Transport Department,
Secretariat, St. George Fort,
Chennai - 600 009. ***To be substituted to the order
despatched on 29.8.16**
2. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
3. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 636 007.

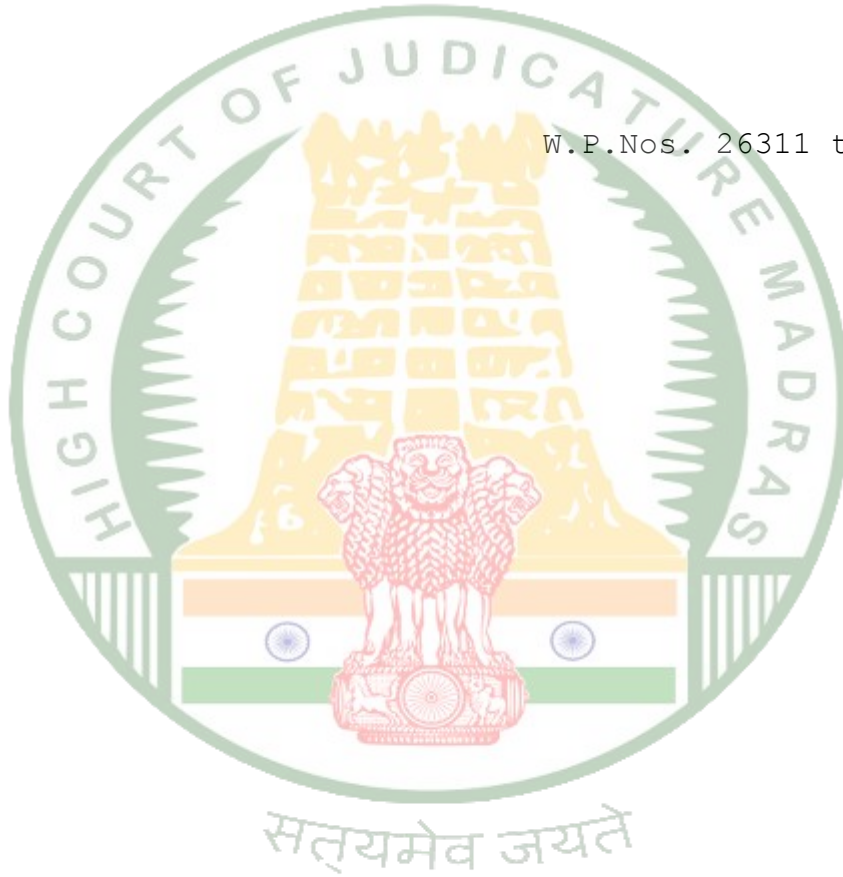
4. The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+8 cc's to Mr.M.Selvam, advocate, sr.42656

+1 cc to Govt.Pleader, sr.43042

gr(co)
krd 17/8
krd 29/9

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