

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.26392 to 26397 of 2016

V.Sundaravaradhan .. Petitioner in WP.No.26392/16
R.Srinivasan .. Petitioner in WP.No.26393/16
T.Dhanasekaran .. Petitioner in WP.No.26394/16
M.Avudaiappan .. Petitioner in WP.No.26395/16
P.Rajan .. Petitioner in WP.No.26396/16
K.Kannan .. Petitioner in WP.No.26397/16

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009. ..R1 in all WPs
2. The Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Ltd.,
3/137 Salamedu,
Valuthareddy Post,
Villupuram - 605 602 ..R2 in WP.Nos.26392, 26393, 26394/16
2. The Managing Director,
Tamilnadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore-641043. ..R2 in wP.26395/16, 26396 & 26397/16
3. The Administrator,
Tamilnadu State Transport Corporation Pension
Fund Trust,
Thiruvallur Home, Pallavan Salai,
Chennai-600 002. ..R3 in WP.26394 & 26397/16

WP.No.(MD)26392/16: Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the respondents to settle the petitioners retirement benefits such as Gratuity Encashment of Leave Salary (EL) Leave on Private Affairs after to extend the benefit of enhanced Dearness Allowances at the rate of 100% in terms of G.O. (Ms).No.55 Transport (E) Department dt 4.6.2014 with 18% interest on delayed payment to the petitioner from 30.4.2014 the

date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD). Nos.383 to 457 of 2015 dt 12.6.2015

WP.No.26393/16: Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to settle the petitioners retirement benefits such as Gratuity Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) after to extend the benefit of pay revision in terms of settlement with enhanced Dearness Allowance at the rate of 100% in terms of G.O. (Ms). No.55 Transport (E) Department dt 4.6.2014 with 18% interest on delayed payment to the petitioner from 30.4.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos.383 to 457 of 2015 dt 12.6.2015.

WP.No.26394/16:Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to settle the petitioners retirement benefits such as Gratuity DA arrears Pension arrears PF arrears and other eligible terminal benefits after duly taken into account the enhanced Dearness Allowance with 18% interest on delayed payment to the petitioner from 30.6.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos.383 to 457 of 2015 dt 12.6.2015.

WP.No.26395/16:Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to settle the petitioners retirement benefits such as Gratuity Encashment of Leave Salary (EL) - 10 days Encashment of Leave Salary (ML-98) Commutation of Pension Social Security Scheme Settlement arrears-2013 Pension arrears PF arrears and other eligible terminal benefits after duly taken into account the enhanced Dearness Allowance with interest of 18% interest on delayed payment to the petitioner from 31.12.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos.383 to 457 of 2015 dt 12.6.2015.

WP.No.26396/16:Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to settle the petitioners retirement benefits such as Gratuity Provident Fund Encashment of Leave Salary (EL) - 185 days Encashment of Leave Salary (ML-98) - 45 days Social Security Scheme Settlement arrears - 2013 and other eligible terminal benefits after duly taken into account the enhanced Dearness Allowance with interest of 18% interest on delayed payment to the petitioner from 31.5.2016 the date

of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos.383 to 457 of 2015 dt 12.6.2015.

WP.No.26397/16:Writ Petition filed u/a.226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to settle the petitioners retirement benefits such as Gratuity Commutation of Pension Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) EL surrender for 3 years (45 days) Settlement benefits and other eligible terminal benefits after duly taking into account the enhanced Dearness Allowance with interest of 18% interest on delayed payment to the petitioner from 31.12.2013 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD). Nos.383 to 457 of 2015 dt 12.6.2015.

For Petitioner : Mr.V.S.Jagadeesan

For R1 : Mr.M.Digvijay Pandian,
Additional Govt. Pleader

For R2 : Mr.P.Kannankumar
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 second respondent, 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/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

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

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

3. The Managing Director,
Tamilnadu State Transport Corporation (CBE)Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore-641043. ..R2 in wP.26395/16, 26396 & 26397/16

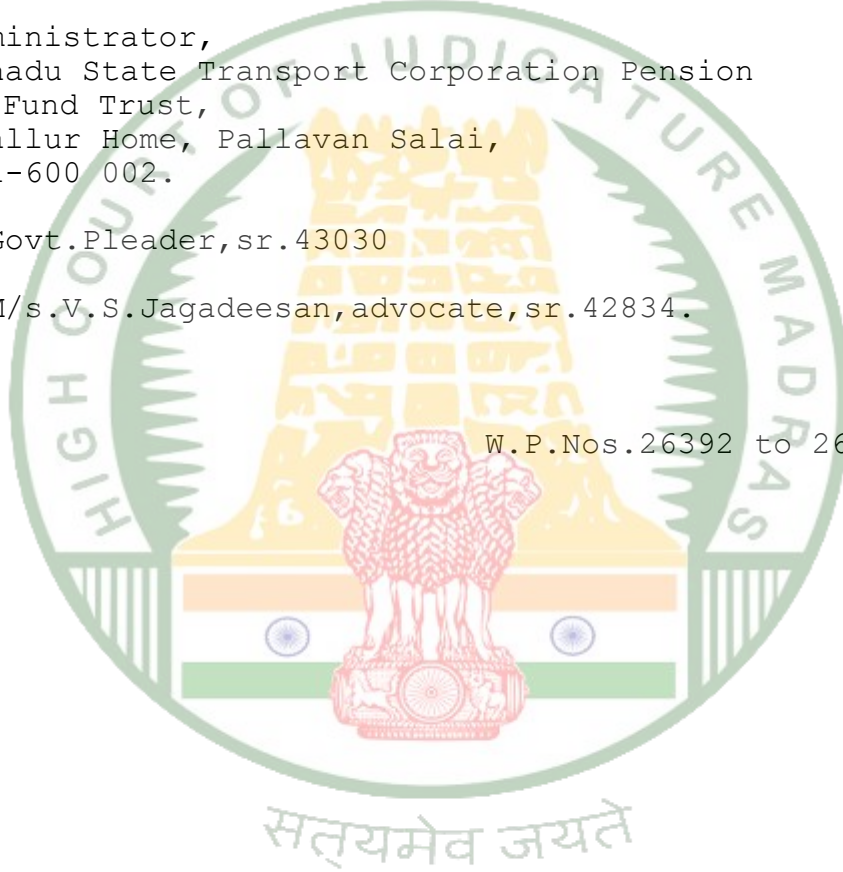
4. The Administrator,
Tamilnadu State Transport Corporation Pension
Fund Trust,
Thiruvallur Home, Pallavan Salai,
Chennai-600 002.

+1 cc to Govt.Pleader,sr.43030

+6 cc to M/s.V.S.Jagadeesan,advocate,sr.42834.

ppa (co)
krd 30/8

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