

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 26458 to 26461 of 2016,
26510 to 26530 of 2016,
26532 to 26534 of 2016
26535 to 26550 of 2016,
26604 of 2016, 26617 of 2016
& 26622 of 2016

R.Kumar	..	Petitioner	in W.P.No. 26458	of 2016
Kothandam	..	Petitioner	in W.P.No. 26459	of 2016
S.Chitrambalam	..	Petitioner	in W.P.No. 26460	of 2016
V.Marimuthu	..	Petitioner	in W.P.No. 26461	of 2016
K.Veerappan	..	Petitioner	in W.P.No. 26510	of 2016
T.Manikandan	..	Petitioner	in W.P.No. 26511	of 2016
S.Chinnasamy	..	Petitioner	in W.P.No. 26512	of 2016
R.Gopu	..	Petitioner	in W.P.No. 26513	of 2016
A.Selvaraj	..	Petitioner	in W.P.No. 26514	of 2016
C.Gothandapani	..	Petitioner	in W.P.No. 26515	of 2016
S.Shanmugam	..	Petitioner	in W.P.No. 26516	of 2016
J.Prabakaran	..	Petitioner	in W.P.No. 26517	of 2016
S.Murugesan	..	Petitioner	in W.P.No. 26518	of 2016
M.Mahendran	..	Petitioner	in W.P.No. 26519	of 2016
R.Chinnasamy	..	Petitioner	in W.P.No. 26520	of 2016
R.Vijayaraj	..	Petitioner	in W.P.No. 26521	of 2016
G.Baskaran	..	Petitioner	in W.P.No. 26522	of 2016
V.Rajendran	..	Petitioner	in W.P.No. 26523	of 2016
M.Balakrishnan	..	Petitioner	in W.P.No. 26524	of 2016
S.Thangavel	..	Petitioner	in W.P.No. 26525	of 2016
Vidyasekaran	..	Petitioner	in W.P.No. 26526	of 2016
Arumugam	..	Petitioner	in W.P.No. 26527	of 2016
Balasubramaniam	..	Petitioner	in W.P.No. 26528	of 2016
Pitchai	..	Petitioner	in W.P.No. 26529	of 2016
Jayakumar	..	Petitioner	in W.P.No. 26530	of 2016
Bathusha	..	Petitioner	in W.P.No. 26532	of 2016
V.Palaniswamy	..	Petitioner	in W.P.No. 26533	of 2016
G.Manogaran	..	Petitioner	in W.P.No. 26534	of 2016
G.Govindasamy	..	Petitioner	in W.P.No. 26535	of 2016
V.Ganesan	..	Petitioner	in W.P.No. 26536	of 2016
Y.Natarajan	..	Petitioner	in W.P.No. 26537	of 2016
P.Dinakaran	..	Petitioner	in W.P.No. 26538	of 2016
E.Baskaran	..	Petitioner	in W.P.No. 26539	of 2016
V.Kumar	..	Petitioner	in W.P.No. 26540	of 2016

R.Sampath	..	Petitioner in W.P.No. 26541 of 2016
A.R.Krishnan	..	Petitioner in W.P.No. 26542 of 2016
C.Anbalagan	..	Petitioner in W.P.No. 26543 of 2016
K.Devaraj	..	Petitioner in W.P.No. 26544 of 2016
A.Arokiayasamy	..	Petitioner in W.P.No. 26545 of 2016
Asokan	..	Petitioner in W.P.No. 26546 of 2016
M.Sivanathan	..	Petitioner in W.P.No. 26547 of 2016
C.Raji	..	Petitioner in W.P.No. 26548 of 2016
V.Chinnaraj	..	Petitioner in W.P.No. 26549 of 2016
S.Munisamy	..	Petitioner in W.P.No. 26550 of 2016
K.Sasi	..	Petitioner in W.P.No. 26604 of 2016
A.Rahamadullah	..	Petitioner in W.P.No. 26617 of 2016
K.Karunanidhi	..	Petitioner in W.P.No. 26622 of 2016

Vs.

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602. .. 1st Respondent in WP 26458/16 to
WP 26461/16, 26540/16 to 26544/16
and 26617/16.
.. 2nd Respondent in WP 26622/16.
- 2.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram. .. 2nd Respondent in WP 26458/16 to
WP 26461/16
- 3.The Administrator
Tamil Nadu State Transport Corporation Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002. .. 3rd Respondent in WP 26458/16,
WP 26460/16, 26461/16 and 26535/16
to 26550/16.
- 4.The Management of
Tamilnadu State Transport
Corporation (Kovai) Limited
Rep.by its Managing Director,
Coimbatore. .. 1st Respondent in WP 26510/16 to
WP 26530/16

- 5.The Administrator
Tamil Nadu State Transport Corporation Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai. .. 2nd Respondent in WP 26510/16 to
WP 26530/16.
.. 3rd Respondent in WP 26622/16
- 6.The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Salai,
Salem. .. Respondent in WP 26532/16 to
WP 26534/16
.. 1st Respondent in WP 26535/16 to
26539/16 and 26545/16 to 26550/16.
- 7.The General Manager
Tamilnadu State Transport
Corporation (Salem) Limited
Dharmapuri Region
Dharmapuri. .. 2nd Respondent in WP 26535/16 to
WP 26539/16 & 26545/16 to 26550/16
- 8.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Vellore Region, Vellore.. 2nd Respondent in WP 26540/16
- 9.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Tiruvannamalai Region
Tiruvannamalai. .. 2nd Respondent in WP 26541/16 to
WP 26544/16
- 10.The Government of Tamilnadu,
Rep. by Principal Secretary to Government
Transport Department,
Fort St.George, Chennai 9..1st Respondent in WP 26622/16
- 11.The State of Tamilnadu,
Rep. by Secretary
Transport Department,
Fort St.George, Chennai 9..1st Respondent in WP 26604/16

12.The Tamilnadu State Transport Corporation (Tirunelveli) Limited
Rep.by its Managing Director,
No.19, Trivandram Road,
Vannarpettai Post
Tirunelveli 3. .. 2nd Respondent in WP 26604/16

13.The General Manager
Tamilnadu State Transport Corporation (Tirunelveli) Limited
Ranithottam, Nesamani Nagar,
Nagarcoil . .. 3rd Respondent in WP 26604/16

14.The Administrator
Tamil Nadu State Transport Corporation Employees Pension Fund Trust,
Chennai. ... 4th Respondent in WP 26504/16

15.The General Manager
Tamilnadu State Transport Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore ... 2nd Respondent in WP 26617/16

Prayer in WPs: These writ petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus

Writ Petition No.26458 of 2016:- To directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (EL), IRT Amount, DA Arrears and Settlement Arrears etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, to 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., 31.03.2016 to till the date of actual payment to the petitioner.

WP 26459/16: To directing the respondents to settle the petitioners retirement benefits including Gratuity and settlement 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. 30.11.2012 to till date of actual payment to the petitioner.

WP 26460/16: To directing the respondents to settle the petitioners retirement benefits including Gratuity commutation Leave surrender (EL & ML) IRT amount Welfare fund DA arrears and settlement 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. 31.3.2016 to till date of actual payment to the petitioner.

WP 26461/16: To directing the respondents to settle the petitioners retirement benefits including Gratuity commutation Leave surrender (Eearned Leave) IRT amount DA arrears and settlement 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. 31.01.2016 to till date of actual payment to the petitione.

WP 26511/16: To directing the 1st respondents to pay the petitioner Rs.5 05 290/- towards Gratuity Rs.2 33 839/- towards leave salary and arrears of salary for the period from 01.09.2013 to 30.09.2013 payable pursuant to new wage settlement dated 13.04.2015 together with 18% interest per annum and further directing the respondents to pay him arrears of pension for the period from 01.10.2013 by revising his pension together with 18% interest per annum after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. September 2013 by revising the same as per the settlement dated 13.04.2015 as ordered by the Honourable Division Bench of this court in its order dated 29.01.2016 in WA (MD) N.1457/15 and etc., batch.

WP 26512/16: To directing the 1st respondents to pay the petitioner Rs.5 02 926/- towards Gratuity and arrears of salary for the period from 01.09.2013 to 31.01.2014 payable pursuant to new wage settlement dated 13.04.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.6 07 282/- for the period from 31.01.2014 to 17.04.2014 at the rate as per EPF scheme and further directing the respondents to pay him arrears of pension for the period from 01.02.2014 by revising his pension together with 18% interest per annum after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e. january, 2014 by revising the same as per the settlement dated 13.04.2015, as

ordered by the Hon'ble Division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc. batch,

WP 26513/16: To directing the respondent to pay the petitioner Rs.4 93 248/- towards Gratuity Rs.2 58 269/- towards Leave salary together with 18% interest per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension commutation Rs.2 44 802/- for the period from 31.12.2012 to 24.10.2013 at the rate of 18% p.a within a time frame.

WP 26514/16: To directing the respondent to pay the petitioner Rs.5 11 592/- towards Gratuity Rs.66 279/- towards leave salary together with 18% interest per annum along with interest amount towards the delayed payment of EPF employees contribution Rs.1 28 633/- for the period from 31.12.2012 to 28.01.2013 at the rate as per EPF scheme and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension commutation Rs.2 46 610/- for the period from 31.12.2012 to 13.11.2013 at the rate of 18% p.a within a time frame.

WP 26515/16: To directing the respondent to pay the petitioner Rs.4 47 213/- towards Gratuity together with 18% interest per annum along with interest amount towards the delayed payment of EPF employees contribution Rs.99 614/- for the period from 31.03.2013 to 25.05.2013 at the rate as per EPF scheme and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension commutation Rs.1 82 064/- for the period from 31.03.2013 to 31.10.2013 at the rate of 18% p.a within a time frame.

WP 26516/16: To directing the respondent to pay the petitioner Rs.5 52 768/- towards Gratuity Rs.98 243/- towards leave salary and Rs.1 04 670/- towards encashment of Leave on Personal Affairs together with 18% interest per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension commutation Rs.2 97 037/- for the period from 31.01.2013 to 31.10.2013 at the rate of 18% p.a within a time frame.

WP 26517/16: To directing the respondent to pay the petitioner Rs.4 49 394/- towards Gratuity and Rs.3 48 601/- towards leave salary together with 18% interest per annum and further directing the 1st & 2nd respondents to pay him interest amount towards the delayed payment of pension commutation Rs.2 25 414/- for the period from 31.01.2013 to 05.11.2013 at the rate of 18% p.a within a time frame.

WP 26518/16: To directing the 1st respondents to pay the petitioner Rs.6 39 069/- towards Gratuity Rs.53 196/- towards Leave Salary and arrears of salary for the period from 01.09.13 to 28.02.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF employees contribution Rs.92 369/- for the period from 28.02.14 to 07.06.14 at the rate as per EPF scheme and further directing the 1st & 2nd respondents to pay him arrears of pension for the period from 01.03.14 by revising his pension together with 18% interest per annum along with interest amount towards the delayed payment of pension commutation Rs.2 72 727/- for the period from 28.02.2014 to 05.03.2016 at the rate of 18% p.a., after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. February, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26519/16: To directing the 1st respondents to pay the petitioner Rs.5 06 746/- towards Gratuity Rs.1 68 971/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.03.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF employees contribution Rs.2 91 379/- for the period from 31.03.14 to 17.07.14 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2 36 363/- towards the pension commutation amount and arrears of pension for the period from 01.04.14 by revising his pension together with 18% interest per annum after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e. March, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26520/16: To directing the 1st respondents to pay the petitioner Rs.4 75 350/- towards Gratuity Rs.1 08 224/- towards leave salary and arrears of salary for the period from 01.09.13 to 31.05.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 16 022/- for the period from 31.05.14 to 23.09.14 at the rate as per EPF scheme and further directing the respondents to pay him arrears of pension for the period from 01.06.14 by revising his pension together with 18% interest per annum after calculating all his terminal / pension benefits

based on the monthly wages payable to him on the month of his retirement i.e. May, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26521/16: To directing the 1st respondents to pay the petitioner Rs.3 60 824/- towards Gratuity Rs.59 883/- towards leave salary and arrears of salary for the period from 01.09.13 to 30.06.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 33 680/- for the period from 30.06.14 to 13.10.14 at the rate as per EPF scheme and further directing the respondents to pay him Rs.1 66 951/- towards the pension commutation amount and arrears of pension for the period from 01.07.14 by revising his pension together with 18% interest per annum after calculating all his terminal/pension benefits based on the monthly wages payable to him on the month of his retirement i.e. June, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26522/16: To directing the 1st respondents to pay the petitioner Rs.4 69 488/- towards Gratuity Rs.1 27 699/- towards leave salary and arrears of salary for the period from 01.09.13 to 30.04.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees contribution Rs.3 50 077/- for the period from 30.04.14 to 18.08.14 at the rate as per EPF scheme and further directing the respondents to pay him Rs.2 27 122/- towards the pension commutation amount and arrears of pension for the period from 01.05.14 by revising his pension together with 18% interest per annum after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e. April, 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Hon'ble division Bench of this court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26523/16: To directing the 1st respondents to pay the petitioner Rs.6 33 380/- towards Gratuity and arrears of salary for the period from 01.09.13 to 30.06.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2 70 316/- towards the pension commutation and arrears of pension for the period from 01.07.14 by revising his pension

together with 18% interest per annum after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e. June 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26524/16: To directing the 1st respondents to pay the petitioner Rs.7 24 948/- towards Gratuity Rs.5 72 660/- towards leave salary and Rs.1 23 300 towards encashment of leave on personal affairs together with 18% interest per annum and further directing the respondents to pay him Rs.3 17 629/- towards the pension commutation together with 18% interest per annum within a time frame.

WP 26525/16: To directing the 1st respondents to pay the petitioner Rs.6 14 354/- towards gratuity and arrears of salary for the period from 01.09.13 to 30.06.14 payable pursuant to new wage settlement dated 13.04.15 together with 18% interest per annum and further directing the respondents to pay him Rs.2 62 180/- towards the pension commutation amount and arrears of pension for the period from 01.07.14 by revising his pension together with 18% interest per annum after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e. June 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26526/16: To directing the 1st respondent to pay the petitioner Rs.7 71 052/- towards Gratuity Rs.87 224/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.10.2014 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.2 78 209/- for the period from 31.10.2014 to 16.2.2015 at the rate as per E.P.F Scheme and further directing the respondents to pay him Rs.3 17 391/- towards the Pension Commutation Amount and Arrears of Pension for the period from 1.11.2014 by revising his pension together with 18% interest per annum after calculating all his terminal/ pension benefits based on the monthly wages payable to him on the month of his retirement i.e. October 2014 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26527/16: To directing the 1st respondent to pay the petitioner Rs.3 82 784/- towards Gratuity and Arrears of Salary

for the period from 1.9.2013 to 28.2.2015 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employees Contribution Rs.31 185/- for the period from 28.2.2015 to 3.10.2015 at the rate as per E.P.F Scheme and further directing the respondents to pay him Rs.1 19 839/- towards the Pension Commutation Amount and Arrears of Pension for the period from 1.3.2015 by revising his pension together with 18% interest per annum after calculating all his terminal/pension benefits based on the monthly wages payable on the monthly wages payable to him on the month of his retirement i.e. February, 2015 by revising the same as per the settlement dated 13.04.15 as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA (MD) No.1457/15 and etc., batch,.

WP 26528/16: To directing the 1st respondent to pay the petitioner Rs.5 52 182/- towards Gratuity Rs.32 870/- towards Leave Salary and Arrears of Salary for the period from 1.9.2013 to 31.3.2015 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2 50 829/- towards the Pension Commutation together with 18% per annum within a time frame.

WP 26529/16: To directing the 1st respondent to pay the petitioner Rs.5 50 760/- towards Gratuity Rs.2 55 569/- towards E.P.F.Employees Contributions Rs.4 23 650/- towards Leave Salary and also Arrears of Wages for the period from 1.9.2013 to 31.3.2015 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2 15 670/- towards the Pension Commutation together with 18% per annum within a time frame.

WP 26530/16: To directing the 1st respondent to pay the petitioner Rs.5 89 587/- towards Gratuity Rs.64 409/- towards E.P.F.Employees Contributions and also Arrears of Wages for the period from 1.9.2013 to 31.3.2015 payable pursuant to New Wage Settlement dated 13.4.2015 together with 18% interest per annum and further directing the respondents to pay him Rs.2 34 355/- towards the Pension Commutation together with 18% per annum within a time frame.

WP 26532/16: To directing the Respondent to pay the retirement benefits such as Gratuity Benefit of earned and unearned leave and Medical leave benefit etc. payable to the petitioner with interest at the rate of 18% from 30.04.2014 the date of retirement.

WP 26533/16: To directing the Respondent to pay the retirement benefits such as Gratuity Benefit of earned and unearned leave and Medical leave benefit etc. payable to the petitioner with interest at the rate of 18% from 30.04.2016 the date of retirement.

WP 26534/16: To directing the Respondent to pay the retirement benefits such as Gratuity IRT Share the Benefits of earned and unearned leave Medical leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from 31.03.2015 the date of retirement.

WP 26535/16: To Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Labour Welfare fund IRT amount ERBS amount Credit society (Co-operative) amount 5.5 settlement arrears 5.5 pension arrears and D.A. 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 01.11.2015.

WP 26536/16: To directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Credit society (Co-operative) amount ERBS amount 5.5 settlement arrears 5.5 pension arrears Incentive amount from 23.1.2013 to 30.6.2014 and D.A. 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 01.07.2014 within the stipulated time as may be fixed by this Honourable court.

WP 26537/16: To directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Medical Leave) IRT amount Welfare fund Credit society (Co-operative) amount ERBS amount 5.5 settlement arrears 5.5 pension arrears salary amount 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 01.07.2014.

WP 26538/16: To directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) IRT amount Welfare fund Credit society (Co-operative) amount ERBS amount and D.A. arrears 5.5 settlement arrears and 5.5 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 01.04.2015.

WP 26539/16: To directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Medical Leave) IRT amount Welfare fund Credit society (Co-operative) amount ERBS amount 5.5 settlement arrears 5.5 pension arrears Dearness allowance 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 01.10.2014.

WP 26540/16: To directing the Respondents to disburse the payments relating to Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) 12(3) settlement arrears pension arrears and D.A. arrears by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.04.2016.

WP 26541/16: To directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) D.A.Arrear Amount 12(3) Settlement Arrear Pension Arrears Amount 4th Review amount 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% per annum with effect from 1.10.2014.

WP 26542/16: To directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) 15 days Leave Surrender for the years 2014 and 2015 IRT Amount D.A.Arrear Amount 12(3) Settlement Arrear and Last 10 days salary 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% per annum with effect from 1.4.2016.

WP 26543/16: To directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) IRT Amount D.A.Arrear Amount 12(3) Settlement Arrear and pension arrears 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% per annum with effect from 13.3.2014..

WP 26544/16: To directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) 15 days Leave Surrender for the year 2014-2015 Welfare Fund IRT Amount D.A.Arrear Amount 12(3) Settlement Arrear Last 10 days salary 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% per annum with effect from 1.5.2016.

WP 26545/16: To directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) IRT amount Welfare Fund Credit society (Co-operative) Amount ERBS Amount and Last 6 days salary 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% per annum with effect from 1.5.2016.

WP 26546/16: To directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) IRT amount Welfare Fund Credit society (Co-operative) Amount ERBS Amount 5.5 Settlement Arrears 5.5 Pension Arrears and D.A. Arrears 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% per annum with effect from 1.1.2016.

WP 26547/16: To directing the Respondents to disburse the payments relating to Gratuity Credit society (Co-operative) Amount ERBS Amount 5.5 Settlement Arrears 5.5 Pension Arrears and D.A. Arrears 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% per annum with effect from 1.10.2013.

WP 26548/16: To directing the Respondents to disburse the payments relating to Gratuity Leave Encashment ERBS Amount Credit society (Co-operative) Amount 5.5 Settlement Arrears 5.5 Pension Arrears and D.A. Arrears 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% per annum with effect from 1.10.2014.

WP 26549/16: To directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave) IRT amount ERBS amount Credit society (Co-operative) Amount 5.5 Settlement Arrears 5.5 Pension arrears and D.A.Arrears and last 7 days salary 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% per annum with effect from 1.4.2015.

WP 26550/16: To directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave) ERBS amount 5.5 Settlement Arrears 5.5 Pension arrears and D.A.Arrears 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% per annum with effect from 1.7.2014.

WP 26604/16: To directing the respondents 1 to 4 to pay the pending retirement benefits in a sum of Rs.5 79 771/- under all Heads together with interest Rs.1 90 300/- along with cost.

WP 26617/16: To directing the respondents to settle the petitioners retirement benefits including Gratuity 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. 31.3.2013 to till date of actual payment to the petitioner.

WP 26622/16: To directing the 2nd & 3rd respondents to disburse the retirement benefits of gratuity for a sum of Rs. 10 00 000/- earned leave surrender salary for a sum of Rs. 5 15 000/- pension Commutation amount for a sum of Rs. 7 71 773/- and Leave encashment on Private affairs Rs. 3 00 000/- totally comes to Rs. 25 86 773/- (Rupees Twenty Five Lakhs Eighty Six Thousand Seven Hundred and Seventy Three Only) with 18% interest on delayed payment to the petitioner who has retired from service on 31.03.2016 as Manager in the 2nd respondent office.

For Petitioners : Mr.M.Selvam for
W.P.No.26458 to 26461/16

Mr.V.Ajoykhose for WP
26510 to 26530/16

Mr.A.Nagarathinam for
WP 26532 to 26534/16

Mr.J.Pradeep for WP 26535
to 26550/16.

Mr.C.Johnson for WP 26604/16

Mr.D.Veerasekaran for
WP 26622/16

For Respondents : Mr.S.Sairaman for
W.P.No.26458 to 26461/16

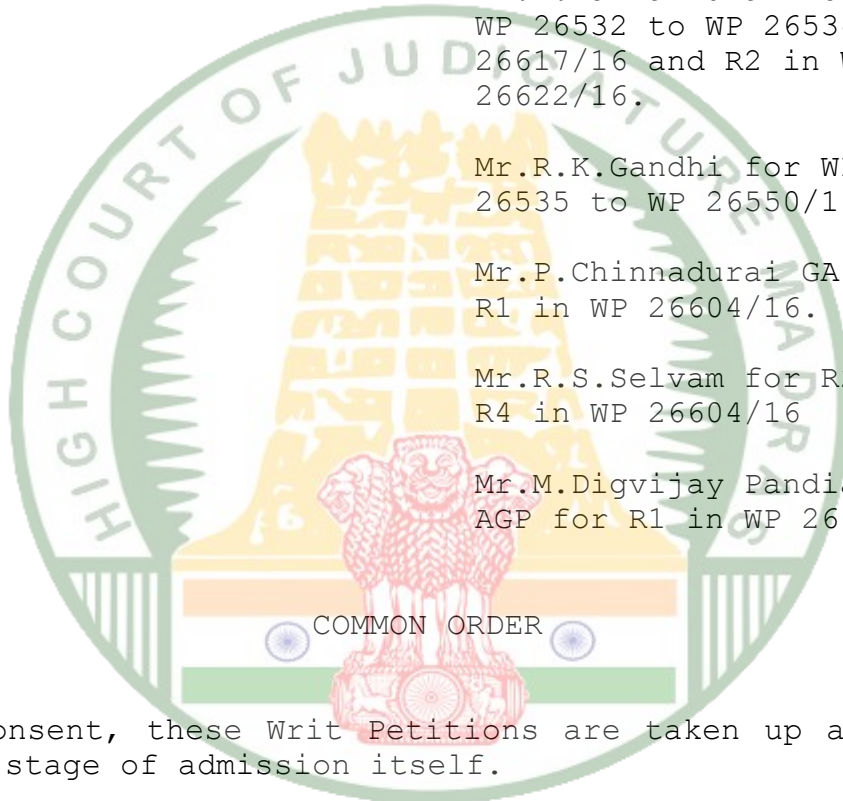
Mr.P.Kannankumar for
WP 26532 to WP 26534/14,
26617/16 and R2 in WP
26622/16.

Mr.R.K.Gandhi for WP
26535 to WP 26550/16

Mr.P.Chinnadurai GA for
R1 in WP 26604/16.

Mr.R.S.Selvam for R2 to
R4 in WP 26604/16

Mr.M.Digvijay Pandian,
AGP for R1 in WP 26622/16



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 with the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petitions were 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 respective 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/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

paa

To

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602.
- 2.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
- 3.The Administrator
Tamil Nadu State Transport Corporation Employees Post
Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
- 4.The Managing Director,
The Management of Tamilnadu State Transport
Corporation (Kovai) Limited
Coimbatore.
- 5.The Managing Director
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Salai,
Salem.

- 6.The General Manager
Tamilnadu State Transport
Corporation (Salem) Limited
Dharmapuri Region
Dharmapuri.
- 7.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Vellore Region, Vellore.
- 8.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Tiruvannamalai Region
Tiruvannamalai.
- 9.The Principal Secretary,
The Government of Tamilnadu,
Transport Department,
Fort St.George, Chennai 9.
- 10.The Secretary
Tamilnadu Government,
Transport Department,
Fort St.George, Chennai 9.
- 11.The Managing Director,
The Tamilnadu State Transport
Corporation (Tirunelveli) Limited
No.19, Trivandram Road,
Vannarpettai Post
Tirunelveli 3.
- 12.The General Manager
Tamilnadu State Transport
Corporation (Tirunelveli) Limited
Nagarcoil Region, Ranithottam, Nesamani Nagar,
Nagarcoil .
- 13.The General Manager
Tamilnadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region
Cuddalore

- 1 cc to Mr.V.Ajaykhose, Advocate, sr.43335
1 cc to Mr.C.Johnson, Advocate, sr.43406
1 cc to Mr.R.S.Selvam, Advocate, sr.43179

1 cc to Mr.D.Veerasekaran, Advocate, sr.43177
2 ccs to Mr.S.Sairaman, Advocate, sr.43492 & 43494
3 ccs to Mr.A.Nagarathinam, Advocate, sr.42966 to 42968
4 ccs to Mr.M.Selvam, Advocate, sr.43148
16 ccs to Mr.J.Pradeep, Advocate, sr.43076
1 cc Mr.M.Selvam, Advocate, sr.43196

W.P.Nos. 26458 to 26461 of 2016,
26510 to 26530 of 2016,
26532 to 26534 of 2016
26535 to 26550 of 2016,
26604 of 2016, 26617 of 2016
& 26622 of 2016

scd co
kra 07.09.2016



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