

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 27301 to 27304 of 2016,
27322 of 2016, 27327 to 27330 of 2016,
27331 to 27340 of 2016,
27349 of 2016,
27352 of 2016,
27399 to 27401 of 2016,
27420 to 27427 of 2016,
27439 to 27443 of 2016,
27445 of 2016, 27446 of 2016,
27448 to 27452 of 2016,
27460 and 27461 of 2016

and

W.M.P.No.23641 of 2016 in W.P.No.27445 of 2016

S.KADIRVEL (PR.9836) ... PETITIONER in WP No.27301 of 2016
K.ESSAKKIMUTHU (PR.11597) ... PETITIONER in WP No.27302 of 2016
R.RAJENDRAN (PR.13393) ... PETITIONER in WP No.27303 of 2016
M.DHARMARAJ (PR.11195) ... PETITIONER in WP No.27304 of 2016
M.DEIVAKUMAR (Staff.13697) ... PETITIONER in WP No.27322 of 2016
V.VASANTHA (Staff.AR.1034) ... PETITIONER in WP No.27327 of 2016
V.VEERAMUTHU (Staff Cr1.2748) ... PETITIONER in WP No.27328 of 2016
M.MADHAPPAN (Staff.1495) ... PETITIONER in WP No.27329 of 2016
V.SENGUTTUVAN (Staff.DR.3469) ... PETITIONER in WP No.27330 of 2016
P.VENKATACHALAM (Staff.RR5527) ... PETITIONER in WP No.27331 of 2016
K.VENKATACHALAM (StaffFC.5159) ... PETITIONER in WP No.27332 of 2016
S.JANBASHA (Staff.A.S.0552) ... PETITIONER in WP No.27333 of 2016
S.SENTHAMILSELVAN (Staff F.C.5205) ... PETITIONER in WP No.27334 of 2016
T.KARUNAKARAN (Staff F.10537) ... PETITIONER in WP No.27335 of 2016
V.TAMILSELVAN (StaffNo.CR1604) ... PETITIONER in WP No.27336 of 2016
S.MOORTHY (Staff F-10546) ... PETITIONER in WP No.27337 of 2016
K.G.MURUGAN (StaffFC5157) ... PETITIONER in WP No.27338 of 2016
P.MATHIYALAGAN (Staff.FC5221) ... PETITIONER in WP No.27339 of 2016

R.KANAGARJAN (StaffA80560) ... PETITIONER in WP No.27340 of 2016
V.MANI (LDRO51) ... PETITIONER in WP No.27349 of 2016
S.RAMASAMY ... PETITIONER in WP No.27352 of 2016
A.SUBRAMANIAN (83AD2J00292) ... PETITIONER in WP No.27399 of 2016
V.KUMARAN (96CR2J06625) ... PETITIONER in WP No.27400 of 2016
R.MANOCHARAN (88TS1013730) ... PETITIONER in WP No.27401 of 2016
P.VEERAPAN ... PETITIONER in WP No.27420 of 2016
K.M.GUNASEKARAN ... PETITIONER in WP No.27421 of 2016
K.MADHAVAN ... PETITIONER in WP No.27422 of 2016
R.CHANDRASEKARAN ... PETITIONER in WP No.27423 of 2016
K.K.SELVARAJU ... PETITIONER in WP No.27424 of 2016
P.NAGARAJAN ... PETITIONER in WP No.27425 of 2016
K.JAGANATHAN ... PETITIONER in WP No.27426 of 2016
T.MALLIKA ... PETITIONER in WP No.27427 of 2016
N.SUBRAMANIAN (85CR2J05229) ... PETITIONER in WP No.27439 of 2016
S.SAMPATH KUMAR (87DR2703891) ... PETITIONER in WP No.27440 of 2016
S.YEGBAL BATCHA (AATPY0373P) ... PETITIONER in WP No.27441 of 2016
U.VELUSAMY (86CRL012589) ... PETITIONER in WP No.27442 of 2016
D.NAGARAJAN (84DRL01229) ... PETITIONER in WP No.27443 of 2016
K.RAJENDRAN ... PETITIONER in WP No.27445 of 2016
MR.K.CHANDRASEKARAN ... PETITIONER in WP No.27446 of 2016
G.C.KAILASAPATHY (85DR2J03220) ... PETITIONER in WP No.27448 of 2016
K.UTHAMARAJ (85TH2J01755) ... PETITIONER in WP No.27449 of 2016
D.SUBBURAJ (86DR2J03670) ... PETITIONER in WP No.27450 of 2016
P.UDAYAKUMAR (85CR2J05249) ... PETITIONER in WP No.27451 of 2016
A.SURYAPRAKASH (751ESL00825) ... PETITIONER in WP No.27452 of 2016
S.RAMACHANDRAN (75AD2J00535) ... PETITIONER in WP No.27460 of 2016
C.DURASAMY (75AD1003882) ... PETITIONER in WP No.27461 of 2016

VS

1. TAMIL NADU STATE TRANSPORT
CORPORATION (CBE) LTD.,
37 METTUPALAYAM ROAD,
COIMBATORE-641 043.
REP BY ITS MANAGING DIRECTOR

... 2ND RESPONDENT IN W.P.NO.27446/16
... RESPONDENT in WP No.27301/16 2016 TO
W.P.NO.27304 OF 2016,
27399/16 TO 27401/16,
27439/16 TO 27443/06
27448/16 TO 27452/16,
27460/16 AND 27461/16

2. THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD VALUDHA REDDY POST
VILLUPURAM-605 602.

... 1ST RESPONDENT IN W.P.NO.27322 OF
2016, 27327 OF 2016, 27328/16,
27330 OF 2016 AND 27352/16

3. THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD KANCHEEPURAM REGION
KANCHEEPURAM.

... 2ND RESPONDENT IN W.P.NO.27322 OF
2016 AND 27352 OF 2016

4. THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT
CORPORATION EMPLOYEES
POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI- 2.

... 2ND RESPONDENT IN W.P.NO.27327/16,
27426/16, 27427/16 AND
W.P.NO.27445/16
... 3RD RESPONDENT IN W.P.NO.27322/16,
27330/16, 27331/16, 27334/16,
27336/16 TO 27338/16
AND W.P.NO.27352/16

5.THE GENERAL MANAGER

TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED CUDDALORE REGION
CUDDALORE.

...2ND RESPONDENT IN W.P.NO.27328/16 AND
W.P.27330/16

6.THE MANAGING DIRECTOR

TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD NO.12 RAMAKRISHNA ROAD
SALEM-636 007

... RESPONDENT IN W.P.27349/16 AND
27420/16 TO 27425/16
... IST RESPONDENT in WP No.27329/16,
27331/16, 27332/16
TO W.P.NO.27340/16,
27426/16, 27427/16
AND 27445 of 2016

7.THE GENERAL MANAGER

TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD DHARMAPURI REGION,
DHARMAPURI-636 705.

...2ND RESPONDENT IN W.P.NO.27329/16,
27331/16 TO 27340/16

8.THE GOVERNMENT OF TAMILNADU

REP. BY ITS PRINCIPAL SECRETARY
TRANSPORT DEPARTMENT
SECRETARIAT FORT ST. GEORGE
CHENNAI-600 009.

...IST RESPONDENT IN W.P.NO.27446 OF 2016

These Writ Petitions are filed Under Article 226 of the
Constitution of India praying to issue of a Writ of Mandamus

WP No.27301 of 2016:

to directing the respondent to pay the petitioner all his
etirement benefits including Gratuity, Leave Salary and all
other benefits with interest at the rate of 18% per annum within
the time frame that may be stipulated by this Honourable Court
and to grant him the interest at the rate of 18% per annum for
the belated settlement of his eligible benefits from the date of
retirement to till the date of settlement by the respondent
within the time frame.

WP No.27302 of 2016:

to directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame.

WP No.27303 of 2016:

to directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity, Leave Salary and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame.

WP No.27304 of 2016:

to directing the respondent to pay the petitioner all his retirement benefits including Gratuity and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement of his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame.

WP No.27322 of 2016:

to directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation Amount, Leave Surrender (Earned Leave), IRT Amount, DA Arrears, Setelemtn Arrears and Employees Welfare Fund 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.

WP No.27327 of 2016:

to directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Un availed Leave Salary, 30 days Leave surrender amount for the year 2014 and 2015, Dearness allowance arrears, 12(3) settlement arrears by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.08.2015.

WP No.27328 of 2016:

to directing the respondents to disburse the payments relating to Gratuity calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.06.2013.

WP No.27329 of 2016:

to directing the respondents to disburse the payments relating to Leave encashment (Earned & Old medical Leave), Unavailed Leave amount and ERBS amount 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 01.05.2011.

WP No.27330 of 2016:

to directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment (Earned & Medical Leave), Labour Welfare Fund, IRT amount, 12(3) settlement arrears, D.A arrears and Pension arrears by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.09.2015.

WP No.27331 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned & medical Leave) 60 days leave surrender for the years (2010, 2011, 2012 & 2013) and ERBS amount 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 01.08.2014.

WP No.27332 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & medical Leave), 45 days Leave Surrender for the years (2009, 2010 & 2011) and ERBS amount 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 01.01.2014.

WP No.27333 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned & Old medical Leave), 45 days Leave Surrender for the years (2010, 2011 & 2012) 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 No.27334 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave encashment (Earned & Old medical Leave), 30 days Leave Surrender for the years 2009, 2010 Social Welfare fund and Grade pay increment 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 01.07.2015.

WP No.27335 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & medical Leave), 45 days Leave Surrender for the years (2010, 2011 & 2012) and ERBS amount 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 01.08.2013.

WP No.27336 of 2016:

to directing the Respondents to disburse the payments relating to Provident Fund, Gratuity, pension Commutation, Labour Welfare fund, IRT amount, Leave encashment (Earned & medical Leave), 12(3) Settlement arrear and D.A. arrear amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of

deaness allowances also, with interest at 12% per annum with effect from 01.05.2016.

WP No.27337 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & medical Leave), grade pay increment by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of deaness allowances also, with interest at 12% per annum with effect from 01.05.2015.

WP No.27338 of 2016:

to directing the Respondents to disburse the payments relating to Leave encashment (Earned & Old medical Leave), 1 year Leave surrender amount at the time of employment, ERBS amount and Grade pay increment by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of deaness allowances also, with interest at 12% per annum with effect from 01.06.2011.

WP No.27339 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned Leave), and IRT amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of deaness allowances also, with interest at 12% per annum with effect from 01.06.2015.

WP No.27340 of 2016:

to directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & Medical Leave), 45 days Leave Surrender for the years (2010, 2011 & 2012) and ERBS amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of deaness allowances also, with interest at 12% per annum with effect from 01.07.2013.

WP No.27349 of 2016:

to directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 28.02.2013, in view of petitioners representation dated 13.07.2016.

WP No.27352 of 2016:

to directing the respondents to settle the retirement benefits payable to the petitioner including service Gratuity, Commutation Amount, Leave Salary Revised Pension with arrears and all other attendant retirement benefits with interest at the rate of not less than 12% per annum payable from the date of retirement within the time that may be stipulated by this Honourable Court by considering and passing orders on the representation of the petitioner dated 14.7.2016.

WP No.27399 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity sum of Rs. 7,33,132/- + Leave Encashment (EL) in the year 2015 Jan a Sum of Rs. 3,12,435/- + medical leave encashment before 1998 a sum of Rs.1,73,575/- + Social Security Scheme sum of Rs. 34,000/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.01.2015 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.01.2015 to till the date of disbursement of the terminal benefits of the petitioner.

WP No.27400 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.3,16,602/- + Leave Encashment (EL) sum of Rs.64,885/- = Totally sum of Rs.3,81,487/- + Provident Fund amount sum of Rs.3,02,353/- + Social Security Scheme amount sum of Rs.36,000/- + all Medical College Fund sum of Rs.6,000/- + Medical Leave Encashment Before 1998 sum of Rs.5898/= + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.09.2015 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 30.09.2015 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27401 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity sum of Rs. 4,62,323/- + Leave Encashment (EL) sum of Rs. 22,865/- + All Colleges Fund = Rs. 4,500/- + Social security scheme Rs.48,000/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.11.2014 and other attendant benefits and enhanced dearness allowances along with 18%

interest on delayed payment from 30.11.2014 to till the date of disbursement of the terminal benefits of the petitioner.

WP No.27420 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.07.2011.

WP No.27421 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.02.2013.

WP No.27422 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.02.2012.

WP No.27423 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.06.2012.

WP No.27424 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.06.2012.

WP No.27425 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.07.2011.

WP No.27426 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.01.2014.

WP No.27427 of 2016:

to directing the Respondent to settle all the terminal benefits due and payable to the Petitioner with interest at 12% per annum with effect from 01.07.2016.

WP No.27439 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.4,53,939 + Leave Encashment (EL) sum of Rs.2,05,088 = Rs.6,59,027/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.03.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.03.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27440 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,15,971+ Leave Encashment (EL) sum of Rs.51,993 = Totally sum of Rs.5,67,964/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 14.08.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 14.08.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27441 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,15,982/- + Leave Encashment (EL) sum of Rs.1,00,224/- = Totally Rs.6,16,206/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.05.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.05.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27442 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.4,17,462 + Leave Encashment (EL) sum of Rs.1,73,669 = Totally sum of Rs.5,91,131/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.03.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.03.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27443 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,25,115/- + Leave Encashment (EL) sum of Rs.2,29,856/- = Rs.7,54,971/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.08.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.08.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27445 of 2016:

to directing the respondents to disburse the Provident Fund, Gratuity, Pension Commutation, Leave Encashment (Earned Leave & Old Medical Leave), Surrendered leave wages from 2009 to 2011, Labour Welfare Fund, IRT share amount by calculating D.A. Eligible as per rules, with interest at 12% per annum with effect from 01.03.2016 immediately and award costs.

WP No.27446 of 2016:

to directing the respondents to settle the petitioners terminal benefits such as difference in Gratuity, DA arrears, Pension DA arrears and PF arrears with an enhanced dearness allowance at the rate of 58% as per G.O.Ms.No.116, Finance Department dated 09.04.2012 with interest of 18% on delayed payment to the petitioner from 31.08.2011 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 dated 12.06.2015.

WP No.27448 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 5,21,336 + Leave Encashment (EL) Sum of Rs. 1,31,868 + medical leave encashment Rs. 6993/- = Totally sum of Rs. 6,60,197/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.06.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.07.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27449 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 4,92,219 + Leave Encashment (EL) Sum of Rs. 1,05,612 + 74,400 = Totally sum of Rs. 6,72,231/- + arrears of amounts as per 12(3)

settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.09.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.10.2014 to till the date of disbursement of the terminal benefits to the petitioner

WP No.27450 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 5,07,612 + Leave Encashment (EL) Sum of Rs. 1,61,045 + medical leave encashment Rs 9,351/- = Totally sum of Rs. 6,78,008/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.10.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.11.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27451 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 4,53,939/- + Leave Encashment (EL) Sum of Rs. 11,950 /- = Totally sum of Rs. 4,65,889/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 01.02.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 02.02.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27452 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 7,85,394 + Leave Encashment (EL) Sum of Rs. 2,96,290 /- = Rs. 10,82,314/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.04.2014 and other attendant benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.05.2014 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27460 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e., Leave Encashment (EL) sum of Rs.1,79,847 + Medical Leave Encashment Rs. 65,709/- totally sum of Rs.2,45,196/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 31.12.2011 to till the date of disbursement of the terminal benefits to the petitioner.

WP No.27461 of 2016:

to directing the respondent to settle the entire retirement benefits of the petitioner i.e., Leave Encashment (EL) sum of Rs.2,35,680 = Rs.2,35,680/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 30.6.2012 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioner:

:Mr.A.Rajendiran for W.P.No.27301 to 27304 of 2016
:Mr.M.Selvam for W.P.No.27322 of 2016
:Mr.J.Pradeep for W.P.No.27327 of 2016 to
W.P.No.27330/16 and W.P.No.27331/16
to W.P.27340/16
:Mr.G.Peranban for W.P.No.27349 of 2016
:Mr.N.Ishak for W.P.No.27352
:R.Y.George Williams for W.P.No.27399 to 27401/16,
W.P.27439 to 27443/16, W.P.27448 to 27452/16
and W.P.27460 and 27461/16.
:Mr.V.S.Jagadeesan for W.P.27446/16
:Mr.A.Selvaraju for W.P.27420 to 27427/16
:Mr.S.Ayyadurai for W.P.27445 of 2016

For Respondent:

:Mr.S.Sairaman for W.P.27301/16 to W.P.27304/16
:Mr.P.Kannan kumar for W.P.27322/16,27327 to
27330/16, W.P.27399 to 27401/16,
27448 to 27452, 27460 and W.P.27461/16
: Mr.P.Paramasivadoss for W.P.27331 to 27340/16,
27420 to 27427/16, 27445/16 and W.P.27446/16
:Mr.R.K.Gandhi for W.P.No.27349/16, W.P.27439 to
27443/16, 27352/16

COMMON ORDER

By consent, these Writ Petitions are taken up together 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. Consequently, the connected W.M.P.No.23641 of 2016 in W.P.No.27445 of 2016 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT
CORPORATION (CBE) LTD.,
37 METTUPALAYAM ROAD,
COIMBATORE-641 043.
- 2.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD VALUDHA REDDY POST
VILLUPURAM-605 602.
- 3.THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD KANCHEEPURAM REGION
KANCHEEPURAM.
- 4.THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT
CORPORATION EMPLOYEES
POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI- 2.
- 5.THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED CUDDALORE REGION
CUDDALORE.
- 6.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD NO.12 RAMAKRISHNA ROAD
SALEM-636 007

7.THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD DHARMAPURI REGION,
DHARMAPURI-636 705.

8.THE GOVERNMENT OF TAMILNADU
REP. BY ITS PRINCIPAL SECRETARY
TRANSPORT DEPARTMENT
SECRETARIAT FORT ST. GEORGE
CHENNAI-600 009.

+1cc to Mr.V.S.Jagadeesan, Advocate Sr.44728
+1cc to Mrs.R.Varalakshmi, Advocate Sr.42200
+1cc to Mr.S.Ayyathurai, Advocate Sr.44556
+1cc to Mr.R.y.George Williams, Advocate sR.44484
+1cc to Mr.N.Ishak, Advocate S.R.44525
+1cc to Mr.G.Peranban, Advocate Sr.44480
+1cc to Mr.M.Selvam, Advocate SR.44590
+1cc to Mr.P.Paramasivadosh, ADvocate Sr.44815
2cc to Mr.S.Sairaman, Advocate Sr.44734
+4cc to Mr.A.Rajendiran, Advocate Sr.44513
+8cc to Mr.A.Selvaraju, Advocate Sr.44660
+14ccs to Mr.J.Pradeep, Advocate sr.44503
+9cc to Mr.P.Kannankumar, Advocate Sr.45394

W.P.Nos.27301 to 27304 of 2016,
27322 of 2016, 27327 to 27330 of 2016,
27331 to 27340 of 2016,
27349 of 2016,
27352 of 2016,
27399 to 27401 of 2016,
27420 to 27427 of 2016,
27439 to 27443 of 2016,
27445 of 2016, 27446 of 2016,
27448 to 27452 of 2016,
27460 and 27461 of 2016
and
W.M.P.No.23641 of 2016 in
W.P.No.27445 of 2016

scd(CO)
srg(31/08/2016)