

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:14.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.27492 to 27496, 27534 to 27544, 27546 to 27553, 27573,
27574 to 27577, 27601,27613 and 27614 of 2016, W.P.No.23792,
23793/16 and W.P.No.27613, 27614/16
[32 cases]

S.Abdul Kareem	..	Petitioner in WP.27492/16
B.San Basha	..	Petitioner in WP.27493/16
P.Saroja	..	Petitioner in WP.27494/16
S.Selvanathan	..	Petitioner in WP.27495/16
P.Kuppusamy	..	Petitioner in WP.27496/16
N.Krishnamoorthi	..	Petitioner in WP.27534/16
B.Bheeman	..	Petitioner in WP.27435/16
M.Liagath Ali	..	Petitioner in WP.27536/16
N.Balasubramanian	..	Petitioner in WP.27537/16
S.Raghuraman	..	Petitioner in WP.27538/16
P.Mani	..	Petitioner in WP.27539/16
M.Vellingiri	..	Petitioner in WP.27540/16
K.Palanisamy	..	Petitioner in WP.27541/16
R.Selvaraj	..	Petitioner in WP.27542/16
P.P.Murugesan	..	Petitioner in WP.27543/16
M.Marannan	..	Petitioner in WP.27544/16
P.Gunasekaran, Staff No.AS.6228	..	Petitioner in WP.27546/16
M.Dhandapani, Staff No.CR.2521	..	Petitioner in WP.27547/16
K.Gopal, Staff No.C.6116	..	Petitioner in WP.27548/16
N.Ganesan, Staff No.C4438	..	Petitioner in WP.27549/16
G.Palanivelu, Staff No.CR.1441	..	Petitioner in WP.27550/16
J.Pavadi, Staff No.AR.1023	..	Petitioner in WP.27551/16
M.Ramalingam, Staff No.Cr.2800	..	Petitioner in WP.27552/16
B.Chandran, Staff No.DR.1421	..	Petitioner in WP.27553/16
S.Muthu	..	Petitioner in WP.27573/16
K.Samraj	..	Petitioner in WP.27574/16
S.Rasambu	..	Petitioner in WP.27575/16
G.Rajendran	..	Petitioner in WP.27576/16
S.Kamalendran	..	Petitioner in WP.27577/16
Anandan Saleth Francis (PR.No.11459)	..	Petitioner in WP.27601/16
R.Manickam	..	Petitioner in WP.27613/16
D.Poorijaganathan	..	Petitioner in WP.27614/16

vs

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem-636 007.

.. Respondent in WP.27492 to
27494/16, 27574 to 27577/16

..1st Respondent in WP.27495,
27496/16

..2nd Respondent in WP.27613,614/16

The Secretary,
Tamilnadu State Transport Corporation
Co-operative and Chikkana Narma Sangam,
No.8, Bungalow, Sathiyamarayana St.,
Sornapur, Salem-636004

..R2 in WP.27495, 27496/16

The Govt.of Tamilnadu
rep by Principal Secretary Transport Department,
Secretariat, Fort st.george,
Chennai.

..R1 in WP.27534 to 27544, 27613,
27614/16

The Managing Director,
Tamil Nadu State Transport Corporation (CBM) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore.

..R2 in WP.27534 to 544/16
R1 in WP.27601/16

The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur House,
Pallavan Salai,Chennai.

..R3 in WP.27535,537,540, 541,614/16
R4&5 in WP.27536/16

The Financial Advisor of Chief
Account Officer,
Tamil Nadu State Transport Corporation (CBM) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore.

..R3 in WP.27536/16

The Managing Director
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Vazhureddy post,
Villupuram.

..R1 in WP.27546,547, 548, 550 to 553/16

The General Manager
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Kancheepuram Region,
Kancheepuram.

..R2 in WP.27548/16

The General Manager,
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Cuddalore Region,
Cuddalore. ..R2 in WP.27546,27547,27550 to 553/16

The Administrator,
Tamilnadu State Transport Corporation Employees
Post Retirement Welfare Scheme,
Thiruvallur House,Pallavan Salai,
Chennai. ..R3 in WP.27547, 27548, 27550 to 553/16

The Managing Director,
State Express Transport Corporation,
Thiruvallur House,
Pallavan Salai, Chennai...Respondent in WP.27549/16

The Managing Director
Tamil Nadu State Transport Corporation
Covai) Ltd Coimbatore-641 043..Respondent in WP.No.27573/16

The General Manager
Tamil Nadu State Transport Corporation
Ltd No.37 Mettupalayam Road
Coimbatore. ..R2 in WP.27601/16

The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvallur House
Pallavan Salai Chennai-2...3rd Respondent in WP.27614/16,
535,537,540,541/16 and
..R4 in WP.No.27536/16

WP.No.27492/16: Directing the respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 31.01.2014 (i.e) the date of retirement.

WP.No.27493/16: Directing the respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 31.10.2013 (i.e) the date of retirement.

WP.No.27494/16: Directing the respondent to pay all the benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the petitioners husband late Palanivel with interest at the rate of 18% from 18.10.2012 (i.e) from the date of death of Palanivel and also the monthly pension from 18.10.2012 to 01.07.2014.

WP.No.27495/16: Directing the respondent to pay the retirement benefits such as Provident Fund Gratuity Earned Leave Salary Commutation Society Fund and other benefits payable to the petitioner with interest at the rate of 18% from 31.05.2015 (i.e) the date of retirement and the amount payable by the Society with interest to the petitioner.

WP.No.27496/16: Directing the respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Society Fund Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 31.07.2014 (i.e) the date of retirement and the amount payable by the Society with interest to the petitioner.

WP.No.27534/16: Directing the respondents to settle the petitioner retirement benefits such as Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) Leave Surrender for two years Encashment of unearned leave salary on private affairs order in Government letter No. 37568/BPE/2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.04.2012 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.27535/16: Directing the respondents to settle the petitioner retirement benefits such as Gratuity Provident Fund Commutation of Pension Encashment of Leave Salary (EL) pending in service leave salary (40 days) Encashment of Leave Salary (ML) Settlement benefits PF Arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.07.2015 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.27536/16: Directing the respondents to settle the petitioner retirement dues such as Encashment of unearned leave on private affairs order in Government letter No.37568/BPE/2006 dated 28.01.2008 and to pay the interest at the rate of 18% per annum for the belated payment of Gratuity and belated payment of commutation of pension from 31.05.2011 the date of retirement to till the date of settlement of the retirement 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.27537/16: Directing the respondents to settle the petitioner retirement benefits such as Gratuity Provident Fund

Encashment of Leave Salary (EL) Commutation of Pension pending in leave salary and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.05.2016 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 dated 12.06.2015.

WP.No.27538/16: Directing the respondents to settle the petitioner retirement benefits such as Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) pending in service leave salary leave salary for two years and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2012 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.27539/16: Directing the respondents to settle the petitioner retirement benefits such as gratuity Provident Fund Encashment of Leave Salary (EL) 13 days and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.05.2016 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 dated 12.06.2015.

WP.No.27540/16: Directing the respondents to settle the petitioner retirement benefits such as gratuity Provident Fund Encashment of Leave Salary (EL) Leave Surrender Encashment of Leave Salary (ML-98) Social Security Scheme Settlement benefits - 2013 PF Arrears Pension arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.08.2015 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.27541/16: Directing the respondents to settle the petitioner retirement benefits such as gratuity Provident Fund Commutation of Pension Social Security Scheme DA arrears Pension arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2016 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 dated 12.06.2015.

WP.No.27542/2016: Directing the respondents to settle the petitioner retirement benefits such as gratuity Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) DA arrears PF Arrears and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 28.02.2013 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 dated 12.06.2015.

WP.No.27543/16: Directing the respondents to settle the petitioner retirement benefits such as Difference in gratuity Encashment of Leave Salary (EL) and (ML-98) pending in service leave salary for two years after to extend the benefit of enhanced dearness allowance at the rate of 65% in terms of G.O.Ms.No. 116(Finance) Department dated 09.04.2012 with interest of 18% on delayed payment to the petitioner from 30.06.2012 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.27544/16: Directing the respondents to settle the petitioner retirement benefits such as gratuity Provident Fund Pending in Service leave salary for 1 year Social Security Scheme and other eligible terminal benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 30.04.2016 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 dated 12.06.2015.

WP.No.27546/2016: Directing the respondents to disburse the payments relating to Gratuity Leave Surrender (Earned Leave & Medical Leave) Settlement Effect Arrears 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 01.08.2013 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27547/16: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Medical Leave) Settlement Effect 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

01.06.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27548/16: Directing the respondents to disburse the payments relating to Gratuity Pension Commutation Leave Surrender (Earned Leave & 98 old Medical Leave) Settlement Effect Arrears and Laboure Welfare Fund 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 01.05.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27549/16: Directing the respondents to disburse the payments relating to Leave Encashment (Earned Leave salary & old Medical Leave) and Labour Welfare Fund by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 01.01.2013 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27550/16: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Medical Leave) Settlement Effect 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 01.06.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27551/16: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Medical Leave) Settlement Effect Arrears Pension arrears as per new Basics 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 01.06.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27552/16: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Medical Leave) Settlement Effect 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 01.07.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27553/16: Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Surrender (Earned Leave & Medical Leave) Settlement Effect Arrears Pension arrears as per new basics 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 01.07.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.27573/16: Directing the respondent to pay the retirement benefits such as Provident Fund Gratuity Earned Leave Salary Commutation and other benefits payable to the petitioner with interest at the rate of 18% from 30.06.2015 (i.e) the date of retirement.

WP.No.27574/2016: Directing the Respondent to pay the retirement benefits such as Provident Fund Gratuity Earned Leave Salary Commutation and other benefits payable to the Petitioner with interest at the rate of 18% from 31.05.2016 (i.e) the date of retirement.

WP.No.27575/16: Directing the Respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the Petitioner with interest at the rate of 18% from 30.04.2015 (i.e) the date of retirement.

WP.No.27576/16: Directing the Respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the Petitioner with interest at the rate of 18% from 31.01.2014 (i.e) the date of retirement.

WP.No.27577/16: Directing the Respondent to pay the retirement benefits such as Gratuity Earned Leave Salary Commutation and other benefits payable to the Petitioner with interest at the rate of 18% from 31.03.2015 (i.e) the date of retirement.

WP.No.27601/16: Directing the respondents to pay the petitioner a sum of Rs.6,22,183/- towards Gratuity along with Leave Salary and other retirement benefits at the rate of 18% per annum within the time stipulated by this Honourable Court.

WP.No.27613/16: Directing the respondents 1 and 2 herein to forthwith pay to the petitioner herein the retirement benefits viz. Gratuity Commutation Earned Leave Encashment share amount due from IRT Perundurai and all other monetary benefits with interest at the rate of 12%.

WP.No.27614/16: Directing the Respondents herein to forthwith pay to the Petitioner herein the retirement benefits viz. Provident Fund Gratuity Commutation Labour Welfare Fund

Earned Leave Encashment Share amount due from IRT Perundurai and all other monetary benefits with interest at the rate of 12%.

For Petitioners : Mr.T.Jeevanantham
in W.P.Nos.27492 to 27496 of 2016,
27573 of 2016,27574 to 27577 of
2016

Mr.V.S.Jagadeesan
in W.P.Nos.27534 to 27544 of 2016

Mr.J.Pradeep
in W.P.Nos.27546 to 27553 to 2016

Mr.V.Sivakumar
in W.P.No.27601 of 2016

Mr.V.R.Rajasekaran
in W.P.Nos.27613 of 2016 and
27614 of 2016

For Respondents : Mr.P.Paramasivados
Standing Counsel for Transport
Corporation in W.P.Nos.27492 to
27496 of 2016, 27546 to 27553
of 2016, 27573 of 2016, 27574 to
27577 of 2016, 27613 of 2016 and
W.P.No.27614 of 2016

Mr.S.Sairaman
Standing Counsel for Transport
Corporation
in W.P.Nos.27534 to 27544 of 2016
and 27601 of 2016

Mr.P.Chinnadurai
Government Advocate for State
in W.P.No.27613 of 2016

Mr.R.S.Selvam
Government Advocate for State
in W.P.Nos.27534 to 27544 of 2016

Mr.R.Venkatesh
Government Advocate for State
in W.P.No.27614 of 2016

COMMON ORDER

Inasmuch as the issue raised in all these writ petitions are one and the same, viz., seeking a direction to the respondent-

Transport Corporation to disburse the terminal benefits of the petitioners, all these petitions are taken up together and disposed of by this common order.

2. The grievance of the petitioners is that even though they have retired from the services of the respondent- Transport Corporation two or three years ago, till date their terminal benefits have not been settled. In this regard, they have also submitted representation to the respective Transport Corporations. Since there was no response, they are before this Court by way of these writ petitions.

3. When the matter is taken up today for hearing, 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 respondent-Transport Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. They would further submit that following the same, this Court has passed similar orders in several writ petitions. Accordingly, they would pray that a similar order may be passed in these writ petitions also.

4. Heard the learned counsel for the respective petitioners; Mr.P.Chinnadurai, Mr.R.S.Selvam and Mr.R.Venkatesh learned Government Advocate appearing on behalf of the State; Mr.P.Paramasivadosh, and Mr.S.Sairaman learned Standing Counsel for the respective respondent-Transport corporation, who took notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the respective respondent-Transport Corporation is directed to disburse the terminal benefits to each of 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 15.11.2016

6. With the above direction, all these writ petitions are disposed of. No costs. Connected WP's are closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Salai,
Salem-636 007.

2.The Secretary,
Tamilnadu State Transport Corporation
Co-operative and Chikkana Narma Sangam,
No.8, Bungalow, Sathiyandarayana St.,
Sornapur, Salem-636004

3.The Principal Secretary Transport Department,
Govt.of Tamilnadu
Secretariat, Fort St. George,
Chennai.

4.The Managing Director,
Tamil Nadu State Transport Corporation (CBM) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore.

5.The Administrator,
Tamilnadu State Transport Corporation
Pension Fund Trust,
Thiruvallur House,
Pallavan Salai, Chennai.

6.The Financial Advisor of Chief
Account Officer,
Tamil Nadu State Transport Corporation (CBM) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore.

7.The Managing Director
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Vazhureddy post,
Villupuram.

8.The General Manager,
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Cuddalore Region,
Cuddalore.

9.The Administrator,
Tamilnadu State Transport Corporation Employees
Post Retirement Welfare Scheme,
Thiruvallur House, Pallavan Salai,
Chennai.

10.The General Manager,
Tamil Nadu State Transport Corporation Villupuram Ltd.,
Kancheepuram Region, Kancheepuram.

11.The Managing Director,
State Express Transport Corporation,
Thiruvallur House,
Pallavan Salai, Chennai.

12.The Managing Director
Tamil Nadu State Transport Corporation
Covai) Ltd Coimbatore-641 043.

13.The General Manager
Tamil Nadu State Transport Corporation
(Kovai) Ltd No.37 Mettupalayam Road
Coimbatore.

14.The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvallur House
Pallavan Salai Chennai-2.

+1 cc to M/s.T.Jeevanantham, advocate,sr.44872

+11 cc's to Mr.V.S.Jagadeesan, Advocate,sr.45072

+8 cc's to Mr.J.Pradeep, advocate,sr.44833.

+1 cc to Mr.V.Sivakumar, advocate,sr.44812

+2 cc to Mr.V.R.Rajasekaran, advocate,sr.44933,934

+1 cc to M/s.P.Paramasivadoss, advocate,sr.45108

+1 cc to M/s.S.Sairaman, advocate,sr.45011

+1 cc to Govt.Pleader,sr.45184,185.

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27546 to 27553, 27573, 27574 to
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