

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.27640 to 27651 of 2016

A.SAKTHIVEL STAFF NO.FI-0529... PETITIONER in WP No.27640 of 2016

P.RAJU STAFF NO. FC-5170 ... PETITIONER in WP No.27641 of 2016

S.NALLATHAMBI STAFF NO.AS0551...PETITIONER in WP No.27642 of 2016

V.NATARAJAN

STAFF NO.FI-0549 ... PETITIONER in WP No.27643 of 2016

P.VENGOBUSAMY

STAFF NO.FC- 5151

R.SWAMINATHAN

STAFF NO.FC5109

P.SHANMUGAM

(STAFF NO.MVR 002)

K.BALARAMAN

(STAFF NO.CR 1931)

P.NAGARAJAN

(STAFF NO.MHR535)

K.NAZEER BASHA

(STAFF NO.DR5630)

S.CHINNU

(STAFF NO.AS-0577)

N.NAGARAJAN

(STAFF NO.DR5920)

... PETITIONER in WP No.27651 of 2016

Vs.

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD NO.12 RAMAKRISHNA ROAD
SALEM- 636007

2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD DHARMAPURI REGION
DHARMAPURI- 636 705 ...RESPONDENT in

WPNo.27640,27641,27642,27644 ,27646
27650, 27651 of 2016

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD NO.12 RAMAKRISHNA ROAD SALEM-
636007
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD DHARMAPURI REGION DHARMAPURI-
636 705
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002

... RESPONDENTS 1 to 3 in WP
No.27643,27645,27647, 27648,27649,
of 2016

Prayer in Writ Petition No.27640 of 2016:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct 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 within the stipulated time as may be fixed by this Court.

WP No.27641 of 2016
Directing the Respondents to disburse the payment relating to Gratuity, Leave encashment (Earned & Old Medical Leave), ERBS amount and Grade Pay increment of the Checking Inspector 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 01.07.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.27642 of 2016
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 01.07.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.27643 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & Old Medical Leave), 3 years Surrender Leave amount at the time of employment, IRT amount, Labour Welfare fund, D.A arrears and 5.5 Settlement 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 01.07.2015 within the stipulated time as may be fixed by this Honourable Court

WP No.27644 of 2016

Directing the Respondents to disburse the payments relating to Leave encashment (Earned & Old Medical Leave), 15 days Leave Surrender amount for the year 2010, ERBS amount and Grade pay increment of the Checking Inspector of 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 01.02.2011 within the stipulated time as may be fixed by this Honourable Court

WP No.27645 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, Leave encashment (Earned & Old Medical Leave), 30 days Leave Surrender for the years 2010 & 2011, ERBS amount 5.5 settlement arrear 5.5 Pension arrear 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 01.01.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.27646 of 2016

Directing the Respondents to disburse the payment relating to Gratuity, Leave Encashment (Earned & Old Medical Leave), 45 days Leave Surrender amount 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 1.5.2013 within the stipulated time as may be fixed by this Honourable Court

WP No.27647 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Old Medical Leave), 45 days Leave Surrender amount 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 1.4.2015 within the stipulated time as may be fixed by this Honourable Court

WP No.27648 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, Pension Commutation, Deducted Pension Commutation Amount, Leave Encashment (Earned & Medical Leave), and 1 year Leave Surrender amount at the time of employment 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 1.2.2016 within the stipulated time as may be fixed by this Honourable Court

WP No.27649 of 2016

Directing the Respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Old Medical Leave), Surrender Leave Amount at the time of Employment, ERBS Amount, 5.5 Settlement Arrear and 5.5 Pension Arrear 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 1.6.2014 within the stipulated time as may be fixed by this Honourable Court

WP No.27650 of 2016

Directing the Respondents to disburse the payment relating to Gratuity, Pension Commutation, Leave Encashment (Earned & Medical Leave), 60 days Leave Surrender amount 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 1.8.2014 within the stipulated time as may be fixed by this Honourable Court

WP No.27651 of 2016

Directing the Respondents to disburse the payment relating to Gratuity, Leave Encashment (Earned & Medical Leave), 15 days Leave Surrender for the year 2009 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 1.9.2012 within the stipulated time as may be fixed by this Honourable Court

For Petitioner
in all W.Ps. : Mr.J.Pradeep

For Respondents : Mr.P.Paramasivadosh,
in all W.Ps. Standing Counsel

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the services of the Transport Corporation and they retired from service long before. The grievance of the petitioners is that though they retired from service long before, till date, they were not paid the retirement benefits. In this regard, the petitioners submitted representations before the respondents, on various dates. However, till date, there is no response. Hence, the present Writ Petitions have been filed.

3. The learned counsel appearing for the petitioners, brought to the notice of this Court the common judgment, dated 12.06.2015, passed by the Madurai Bench of this Court in W.A. (MD) Nos.383 to 457 of 2015, wherein under similar circumstances, the Transport Corporation undertook to pay the amount due and payable to the petitioners therein in twelve equal monthly instalments. He would further submit that following the same, this Court has passed similar orders in several Writ Petitions. Accordingly, he would pray that a similar order may be passed in these Writ Petitions also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in these Writ Petitions is squarely covered by the judgment passed by the Madurai Bench of this Court in W.A.(MD) Nos.383 to 457 of 2015, dated 12.06.2015 and the relevant portion of the said judgment reads as follows:-

"2. The said statement is thus taken on records and the respondents will be bound by the same. We have to keep in mind the judicial pronouncement of the Hon'ble Supreme Court in D.D.Tewari (D)through LRS. Vs. Uttar Haryana Bijli Vitran Nigam Ltd and Others (2014 (9) SCALE -78), wherein it is held that in case of any delay in making the payment of the instalments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the appellants for non-compliance of undertaking given to this Court.

3. The instalments to be paid from July 2015 and each instalments should be paid on or before 7th of each month."

5. Considering the fact that the issue involved in these Writ Petitions is squarely covered by the orders passed by this Court in similar circumstances, without going into the merits of the matter, the Managing Director and General Manager of the 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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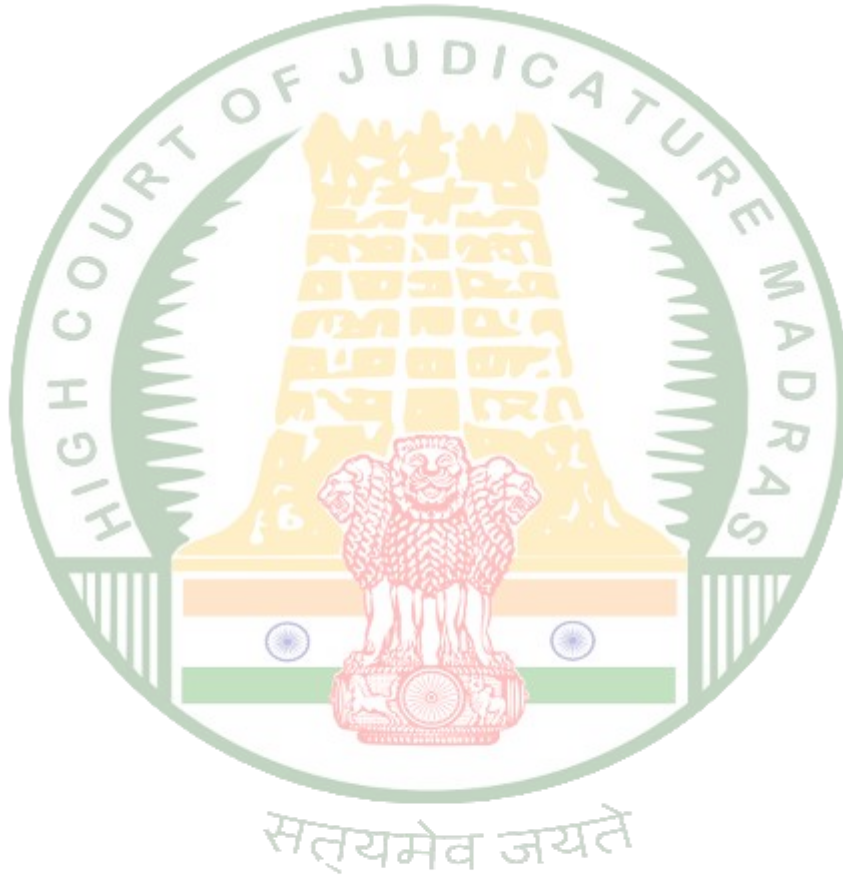
To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Ltd.
No.12, Ramakrishna Road,
Salem - 636 007.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Ltd.,
Dharmapuri Region,
Dharmapuri - 636 705.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002

+17 ccs to P.Kannankumar Advocate sr 46122
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W.P.Nos.27640 to 27651 of 2016

aa16/09/2016



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