

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.27690 to 27694 of 2016

W.P.No.27690 of 2016

K.Vasu

.. Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
Vazhuthareddy,  
Villupuram - 605 602.

2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
Cuddalore Region,  
Cuddalore.

.. Respondents

Prayer in Writ Petition No.27690 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 settle the petitioner's retirement benefits including Gratuity, Leave Surrender (EL & SL), settlement arrears and previous year surrender leave etc. with interest at the rate of not less than 18% per annum payable from the date of retirement i.e. 31.03.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.27691 of 2016

K.Chandrasekaran

.. Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Salem) Limited,  
No.12, Ramakrishnan Road,  
Salem - 636 007.

2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Salem) Limited,  
No.12, Ramakrishnan Road,  
Salem - 636 007.

3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare Fund  
Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

.. Respondents

Prayer in Writ Petition No.27691 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 settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (Earned Leave), Provident Fund, grade pay arrears, sanctioned medical leave, IRT amount, welfare fund and VRS 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. 20.06.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

W.P.No.27692 of 2016

S.Palanivelu

.. Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.

2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Cuddalore Region,  
Cuddalore.

3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare  
Fund Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

.. Respondents

Prayer in Writ Petition No.27692 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 settle the petitioner's retirement benefits including Gratuity, commutation, EL surrender and settlement arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently 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.29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this court.

W.P.No.27693 of 2016

N.Sampath

.. Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.
2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Cuddalore Region,  
Cuddalore.
3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare  
Fund Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

.. Respondents

Prayer in Writ Petition No.27693 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 settle the petitioner's retirement benefits including Gratuity, commutation, EL surrender and settlement arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently 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.30.06.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this court.

W.P.No.27694 of 2016

M.Abubackker

... Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Vazhuthareddy,  
Villupuram - 605 602.
2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Limited,  
Cuddalore Region,  
Cuddalore.
3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare  
Fund Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

.. Respondents

Prayer in Writ Petition No.27693 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 settle the petitioner's retirement benefits including Gratuity, commutation, EL surrender and settlement arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently 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.31.05.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this court.

For Petitioner  
in all W.Ps. : Mr.M.Selvam

For Respondents  
in all W.Ps. : Mr.S.Sairaman,  
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 7<sup>th</sup> 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 V)

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,  
Tamil Nadu State Transport  
Corporation (Salem) Limited,  
No.12, Ramakrishnan Road,  
Salem - 636 007.

2. The General Manager,  
Tamil Nadu State Transport  
Corporation (Salem) Limited,  
No.12, Ramakrishnan Road,  
Salem - 636 007.

3. The Administrator,  
Tamil Nadu State Transport Corporation  
Employees Post Retirement Welfare Fund  
Scheme,  
Thiruvalluvar House, Pallavan Salai,  
Chennai - 600 002.

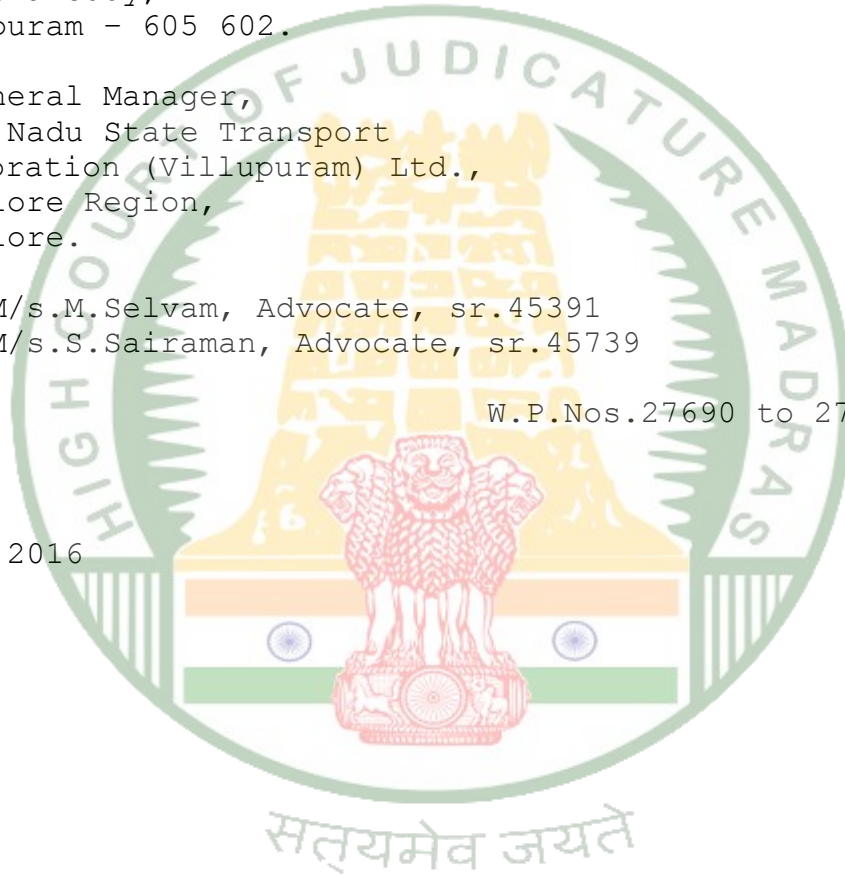
4. The Managing Director,  
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Corporation (Villupuram) Ltd.,  
Vazhuthareddy,  
Villupuram - 605 602.

5. The General Manager,  
Tamil Nadu State Transport  
Corporation (Villupuram) Ltd.,  
Cuddalore Region,  
Cuddalore.

5 ccs to M/s.M.Selvam, Advocate, sr.45391  
2 ccs to M/s.S.Sairaman, Advocate, sr.45739

W.P.Nos.27690 to 27694 of 2016

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kra 30.08.2016



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