

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 28388, 28432,
28435 to 28438 and
28444 to 28446 of 2016

- 1 A.MUNIAPPAN M/59 YRS. ... PETITIONER in WP No.28388 of 2016
STAFF NO. A TO 8798
- 1 K.RAJAMANI ... PETITIONER in WP No.28432 of 2016
- 1 R.M.RAMAMOORTHY ... PETITIONER in WP No.28435 of 2016
(PR.NO.08307)
- 1 K.MANOGRAN ... PETITIONER in WP No.28436 of 2016
(STAFF NO.P.R.NO.05906)
- 1 P.DEVADOSS ... PETITIONER in WP No.28437 of 2016
(STAFF NO.P.R.NO.03287)
- 1 S.JAYASEELAN ... PETITIONER in WP No.28438 of 2016
(STAFF NO.P.R.NO.2977)
- 1 G.MARIA LOUIS ... PETITIONER in WP No.28444 of 2016
- 1 S.RAJASEKARAN ... PETITIONER in WP No.28445 of 2016
- 1 G.MARIA JOSEPH ... PETITIONER in WP No.28446 of 2016
- सत्यमेव जयते
Vs.
- 1 THE PRINCIPAL SECRETARY TO
GOVERNMENT TRANSPORT DEPARTMENT FORT ST.
GEORGE CHENNAI 600009
... RESPONDENT in WP No.28388 of 2016
- 2 THE MANAGING DIRECTOR
METROPOLITAN TRANSPORT CORPORATION (CHENNAI)
LTD. PALLAVAN SALAI CHENNAI 600002. ...do..

- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALLUVAR - HOUSE
PALLAVAN SALAI CHENNAI 600002.
... RESPONDENT in WP 28388/2016, 28332/
2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
LIMITED 12 RAMAKRISHNA ROAD
SALEM 636 007 ... RESPONDENT in WP No.28436 to 28438
of 2016, 28444/2016 to 28496/2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM 605602 ... RESPONDENT in WP No.28435 to 28438
of 2016
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE. ... RESPONDENT in WP 28435/2016 to
WP 28438/2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
COIMBATORE DIVISION II CHENNIMALAI ROAD
ERODE-638 001. ... RESPONDENT in WP No.28444 to
28446 of 2016

Prayer in WP No.28388 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the 2nd and 3rd respondents to disburse the retirement benefits viz., earned leave surrender salary amount of Rs.3,25,000/- pension commutation amount of Rs.2,83,000/-, 1998 leave benefit of Rs.15,000/-, social security scheme fund of Rs.20,000/-, IRT contribution amount of Rs.4,500/- settlement arrears of Rs.30,000/- and total comes to Rs.6,77,500/- (Rupees six lakhs seventy seven thousand five hundred only) with 18% interest on delayed payment to the petitioner the Senior Trades Man staff No.TO 8798 who retired from service on 31.12.2015.

Prayer in WP No.28432 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondents to disburse the payments relating to Provident Funds, Gratuity, Pension Commutation,

family Welfare Fund Balance ERBS Pension arrears, surrender Leave salary i.e. Earned Leave balance as on 30.6.2016, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 1.4.2016 within stipulated time as may be fixed by this Honourable Court

Prayer in WP No.28435 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondents to disburse the payments relating to Gratuity 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 01.07.2013 within the stipulated time.

Prayer in WP No.28436 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment 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 01.04.2016 within the stipulated time.

Prayer in WP No.28437 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondents to disburse the payments relating to Gratuity, Commutation and Leave Encashment by calculating D.A. eligible as per the newly implemented, with interest at 12% per annum with effect from 01.06.2015 within the stipulated time.

Prayer in WP No.28438 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondents to disburse the payments relating to Gratuity, Commutation and Leave Encashment by calculating D.A. eligible as per the newly implemented, with interest at 12% per annum with effect from 01.07.2015 within the stipulated time.

Prayer in WP No.28444 of 2016

Petition filed under Article 226 of the constitution of India praying to Directing the respondent to pay the terminal/retirement benefits to the petitioner with interest @ 12% per annum when the petitioner was allowed to retire as per order bearing Reference No.PA. No.125/B2/ BP2/TNSTC/ Kovai/EM/2013 dated 28.5.2013

Prayer in WP No.28445 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondent to pay the terminal/retirement benefits to the petitioner with interest @ 12% per annum when the petitioner was allowed to retire as per order bearing Reference No.PA. No.2559/B1/ BP2/TNSTC/ Kovai/EM/2015 dated 31.10.2015

Prayer in WP No.28446 of 2016

Petition filed under Article 226 of the constitution of India praying to directing the respondent to pay the terminal/retirement benefits to the petitioner with interest @ 12% per annum when the petitioner was allowed to retire as per order bearing Reference No.PA. No.634/B2/ BP2/TNSTC/ Kovai/EM/2014 dated 26.3.2014

For Petitioner : Mr.D.Veerasekaran
in W.P.No.28388/2016

For Petitioner : Mr.I.C.Vasudevan
in W.P.No.28432/2016

For Petitioner : Mr.G.Sakthivel
in W.P.Nos.28435 to
28438/2016

For Petitioner : Mr.S.Chandrasekharan
in W.P.Nos.28444 to
28446/2016

For Respondents : Mr.P.Chinnadurai
in W.P.No.28388/2016 Government Advocate for R.1
Mr.P.Kannan Kumar
for R2 & R3

For Respondents
in W.P.No.28432/2016: Mr.P.Paramasivadoss

For Respondents : Mr.P.Paramasivadoss
in W.P.Nos.28435 to
27438/2016

For Respondents : Mr.P.Kannan Kumar
in W.P.No.28444
to 28446/2016

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 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 Transport Corporation, 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 15.12.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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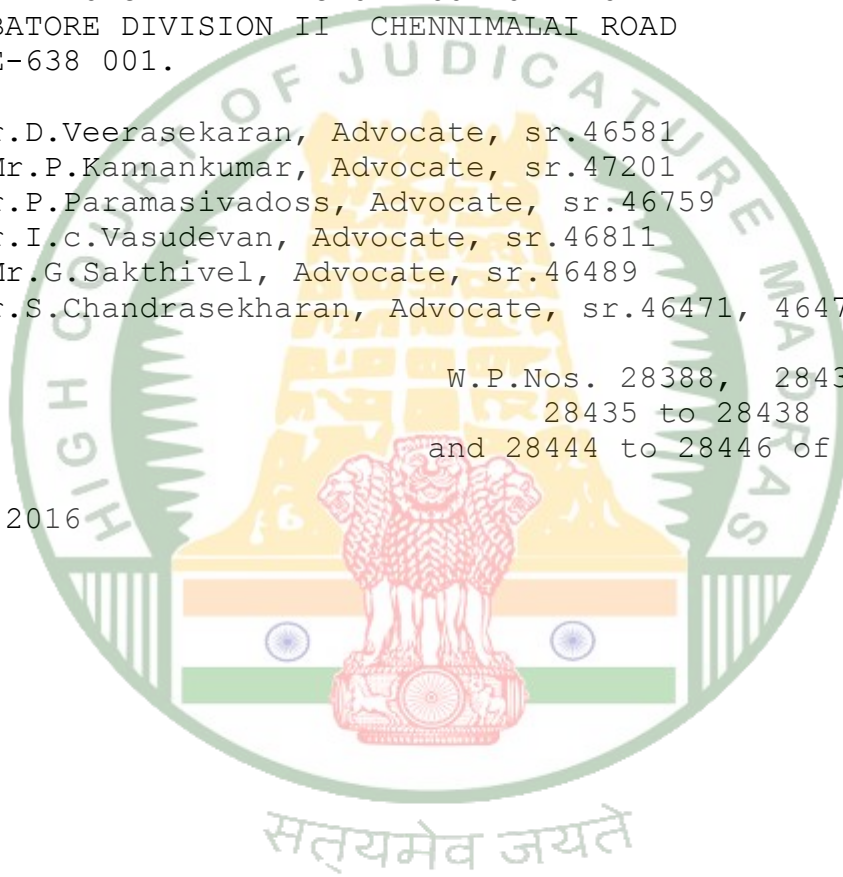
- 1 THE PRINCIPAL SECRETARY TO GOVERNMENT
TRANSPORT DEPARTMENT
FORT ST. GEORGE
CHENNAI 600 009
- 2 THE MANAGING DIRECTOR
METROPOLITAN TRANSPORT CORPORATION (CHENNAI) LTD.,
PALLAVAN SALAI
CHENNAI 600002.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST, THIRUVALLUVAR - HOUSE
PALLAVAN SALAI
CHENNAI 600 002.
- 4 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
LIMITED 12 RAMAKRISHNA ROAD
SALEM 636 007

- 5 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VAZHUTHAREDDY
VILLUPURAM 605602
- 6 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LTD. VELLORE REGION
VELLORE.
- 7 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
COIMBATORE DIVISION II CHENNIMALAI ROAD
ERODE-638 001.

1 cc to Mr.D.Veerasekaran, Advocate, sr.46581
4 ccs to Mr.P.Kannankumar, Advocate, sr.47201
1 cc to Mr.P.Paramasivadosh, Advocate, sr.46759
1 cc to Mr.I.c.Vasudevan, Advocate, sr.46811
4 ccs to Mr.G.Sakthivel, Advocate, sr.46489
3 cc to Mr.S.Chandrasekharan, Advocate, sr.46471, 46472, 46473

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