

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.28557 to 28566 of 2016

T.Ravikumar(Staff No.CR.05295) ... Petitioner in WP.28557/16
M.Sekar (Staff No.CR.09387) ... Petitioner in WP.28558/16
M.Sivaji (Staff No.DR06074) .. Petitioner in WP.28559/16
M.Vijayan(Staff No.CR 08694) .. Petitioner in WP.28560/16
V.Sadasivam(Staff No.CI.15072) .. Petitioner in WP.28561/16
K.Chinnaraju(Staff No.CR 08802).. Petitioner in WP.28562/16
R.Rajendiran(Staff No.CR 06523).. Petitioner in WP.28563/16
M.Moovendran (Staff No.08075) ... Petitioner in WP.28564/16
K.C.Mahendran(Staff No.CR 06182).. Petitioner in WP.28565/16
S.Rajasekaran(Staff No.CR 08826).. Petitioner in WP.28566/16

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,
Vellore Region, Vellore. ...1 and 2nd Respondent in all WPs
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai - 600 002. ... 3rd Respondent in WP28557/16
to 28559/16,28561/16 to
WP.28563/16, WP 28565/16
and WP 28566/16

These Writ Petitions sare filed under Article 226 of the
Constitution of India praying for issuance of a writ of Mandamus
to

WP.No.28557/16:Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.06.2013 within the stipulated time as may be fixed by this Honourable Court

WP.No.28558/16:Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court

WP.No.28559/16:Directing the respondents to disburse the payments relating to Gratuity pension Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court

WP.No.28560/16:Directing the respondents to disburse the payments relating to Gratuity Last Month 10 Days Salary Engineering & Medical College Share and all other Retirement Benefits 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 01.02.2014 within the stipulated time as may be fixed by this Honourable Court

WP.No.28561/16:Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.03.2013 within the stipulated time as may be fixed by this Honourable Court

WP.No.28562/16:Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.06.2013 within the stipulated time as may be fixed by this Honourable Court

WP.No.28563/16:Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.03.2015 within the stipulated time as may be fixed by this Honourable Court

WP.No.28564/16:Directing the respondents to disburse the payments relating to Gratuity amount by calculating D.A. eligible as per 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 01.12.2012 within the stipulated time as may be fixed by this Honourable Court

WP.No.28565/16:

Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court

WP.No.28566/16:

Directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment and all other Retirement Benefits by calculating D.A. eligible as per newly implemented Scheme with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court

For Petitioner : Mr.J.Pradeep
in all WPs.
For Respondents : Mr.P.Kannankumar
Standing Counsel - in all WPs.

C O M M O N O R D E R

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. The petitioner joined the service of the Transport Corporation and he retired from service long before. The grievance of the petitioner is that though, he retired from service long before, till date, he was not paid with the retirement benefits. In this regard, the petitioner submitted representations before the respondent, on various dates. However, till date, there was no response. Aggrieved against the same, the present Writ Petition was filed.

3. The learned counsel appearing for the petitioner, 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 petitioner 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 this Writ Petition also.

4. The learned Standing Counsel, who took notice on behalf of the respondents, would affirm that the issue involved in this Writ Petition 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 this Writ Petition 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 petitioner 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 01.12.2016.

6. With the above direction, this Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

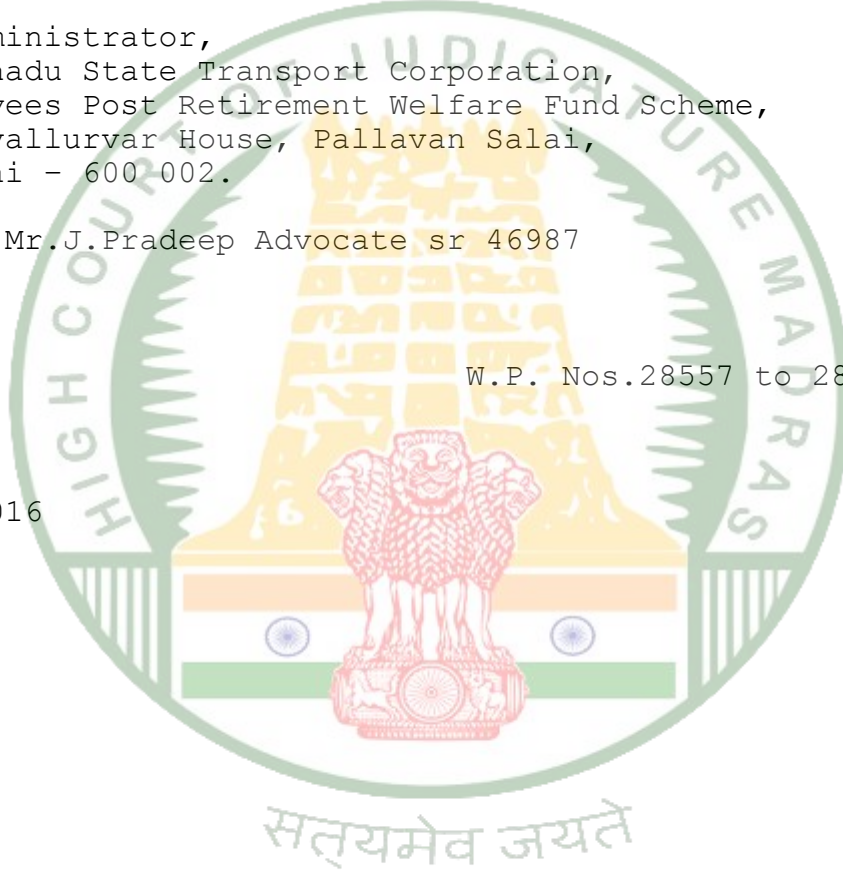
To

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,
Vellore Region, Vellore.
3. The Administrator,
Tamilnadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai - 600 002.

+10 cc to Mr.J.Pradeep Advocate sr 46987

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