

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 28672 to 28678 of 2016,
28681 to 28696 of 2016,
28697 to 28715 of 2016,
28720 of 2016, 28721 and 28722 of 2016,
28726 to 28733 of 2016,
28734 to 28741 of 2016,
28749 to 28756 of 2016,
28763 of 2016 & 28764 of 2016,
28766 of 2016, and
28781 of 2016

- 1 P.DEVARAJ
STAFF NO.CR1066 ... PETITIONER in WP No.28672 of 2016
- 1 V.SUBRAMANIAN
STAFF NO.CR0600 ... PETITIONER in WP No.28673 of 2016
- 1 N.JAYARAMAN
STAFF NO.FD5058 ... PETITIONER in WP No.28674 of 2016
- 1 M.JAYARAMAN
STAFF NO.TR0717 ... PETITIONER in WP No.28675 of 2016
- 1 G.MADHAIYAN
STAFF NO.CR0744 ... PETITIONER in WP No.28676 of 2016
- 1 S.SANKAR
STAFF NO.EF0025 ... PETITIONER in WP No.28677 of 2016
- 1 K.CHINNANNAN
STAFF NO.AR0789 ... PETITIONER in WP No.28678 of 2016
- 1 R.ANBZHAGAN
STAFF NO.CR3664 JI ... PETITIONER in WP No.28681 of 2016
- 1 K.RENGASAMY
STAFF NO.CR2019 ... PETITIONER in WP No.28682 of 2016
- 1 A.MUNUSAMY
STAFF NO.TR0575 ... PETITIONER in WP No.28683 of 2016

1 K.MANICKAM
STAFF NO.MHR073 ... PETITIONER in WP No.28684 of 2016

1 M.MURUGESAN
STAFF NO.CR1167 ... PETITIONER in WP No.28685 of 2016

1 V.SUNDARAVATHANAM ... PETITIONER in WP No.28686 of 2016

1 M.RAMASAMY
STAFF NO.TR0709 ... PETITIONER in WP No.28687 of 2016

1 K.MANIVANNAN
STAFF NO.CR1119 ... PETITIONER in WP No.28688 of 2016

1 P.PALANIVEL
STAFF NO.FD0081 ... PETITIONER in WP No.28689 of 2016

1 R.SELVARAJAN
STAFF NO.CR2157 ... PETITIONER in WP No.28690 of 2016

1 S.MADAIYAN
STAFF NO.CR2238 ... PETITIONER in WP No.28691 of 2016

1 P.PONNUSAMY
STAFF NO.CR1441 ... PETITIONER in WP No.28692 of 2016

1 K.SUBRAMANIAN
STAFF NO.DR2237 ... PETITIONER in WP No.28693 of 2016

1 K.TAMILSELVAN
STAFF NO.CR3048 ... PETITIONER in WP No.28694 of 2016

1 N.MOHAN
STAFF NO.TR0894 ... PETITIONER in WP No.28695 of 2016

1 R.PERIYANNAN
STAFF NO.TR0743 ... PETITIONER in WP No.28696 of 2016

1 P.SIVAKUMAR
STAFF NO.TR 0829 ... PETITIONER in WP No.28697 of 2016

1 M.RUFUS CHANDRASEKARAN
STAFF NO.TR08255 ... PETITIONER in WP No.28698 of 2016

1 T.KRISHNASAMY
STAFF NO.DR3164 ... PETITIONER in WP No.28699 of 2016

1 G.CHANDRASEKARAN
CR2070 ... PETITIONER in WP No.28700 of 2016

1 T.NARAYANAMOORTHY
STAFF NO.TR 1357 ... PETITIONER in WP No.28701 of 2016

1 V.ALAGAPPAN
STAFF NO.CR2694 ... PETITIONER in WP No.28702 of 2016

1 M.SHRIL
STAFF NO.TR0838 ... PETITIONER in WP No.28703 of 2016

1 K.THIRUGNANASAMBANTHAN
STAFF NO.DR2990 ... PETITIONER in WP No.28704 of 2016

1 S.ALAGAPPAN
STAFF NO.TR1443 ... PETITIONER in WP No.28705 of 2016

1 R.SUBRAMANIAM
STAFF NO.DR 2071 ... PETITIONER in WP No.28706 of 2016

1 K.TAMILARASAN
STAFF NO.TR0760 ... PETITIONER in WP No.28707 of 2016

1 A.R.BALAN
STAFF NO.DR2853 ... PETITIONER in WP No.28708 of 2016

1 R.LAKSHMANAN
STAFF NO.DR2418 ... PETITIONER in WP No.28709 of 2016

1 T.INDRAJITH
STAFF NO.EF0063 ... PETITIONER in WP No.28710 of 2016

1 S.PIRADHAMAN
STAFF NO.CR3261 ... PETITIONER in WP No.28711 of 2016

1 K.PERIASAMY
STAFF NO.DR2184 ... PETITIONER in WP No.28712 of 2016

1 P.MANICKAM
STAFF NO.TR0815 ... PETITIONER in WP No.28713 of 2016

1 C.DUR AISAMY
STAFF NO.CR2176 ... PETITIONER in WP No.28714 of 2016

1 S.THARMASIVAM
STAFF NO.CR1736 ... PETITIONER in WP No.28715 of 2016

1 S.SEKAR
(M/AGE 60 YEARS) ... PETITIONER in WP No.28720 of 2016

1 K.KARUNANITHI ... PETITIONER in WP No.28721 of 2016

1 P.PERUMAL ... PETITIONER in WP No.28722 of 2016

1 M.ANBALAGAN ... PETITIONER in WP No.28726 of 2016

1 N.S.ELANGOVAN ... PETITIONER in WP No.28727 of 2016

1 A.ILANGO ... PETITIONER in WP No.28728 of 2016

1 S.KODILINGAM ... PETITIONER in WP No.28729 of 2016

1 A.KUMARASAMY ... PETITIONER in WP No.28730 of 2016

1 T.KUMARESAN ... PETITIONER in WP No.28731 of 2016

1 S.PANNEERSELVAM ... PETITIONER in WP No.28732 of 2016

1 N.PERUMAL ... PETITIONER in WP No.28733 of 2016

1 A.SEKAR ... PETITIONER in WP No.28734 of 2016

1 S.SADASIVAM ... PETITIONER in WP No.28735 of 2016

1 P.RAMESH ... PETITIONER in WP No.28736 of 2016

1 V.V.RAMAMOORTHY ... PETITIONER in WP No.28737 of 2016

1 A.PUSHPARAJ ... PETITIONER in WP No.28738 of 2016

1 K.PITCHAIMUTHU ... PETITIONER in WP No.28739 of 2016

1 E.D.SUYAMBU ... PETITIONER in WP No.28740 of 2016

1 G.SURENDRAN ... PETITIONER in WP No.28741 of 2016

1 S.MANOHRAN ... PETITIONER in WP No.28749 of 2016
(STAFF NO.FC.0353)

1 V.CHELLAPERUMAL ... PETITIONER in WP No.28750 of 2016
(STAFF NO FC.0341)

1 M.SELVARAJ ... PETITIONER in WP No.28751 of 2016
(STAFF NO.AS.0204)

1 A.WILLIAMS ... PETITIONER in WP No.28752 of 2016
(STAFF NO. MBR.022)

1 S.RANGANATHAN
(STAFF NO. AM.2062) ... PETITIONER in WP No.28753 of 2016

1 C.DUR AISAMY
(STAFF NO.AM 0272) ... PETITIONER in WP No.28754 of 2016

1 P.SELLAPPAN
(STAFF NO. AR.0813 ... PETITIONER in WP No.28755 of 2016

1 N.PERIYASAMY
(STAFF NO.CR. 3637) ... PETITIONER in WP No.28756 of 2016

1 S.PRABAKARAN ... PETITIONER in WP No.28763 of 2016

1 A.L.LOGAN ... PETITIONER in WP No.28764 of 2016

1 R.MANI ... PETITIONER in WP No.28766 of 2016
80DR2J04123

1 C.MOOKAIYA ... PETITIONER in WP No.28781 of 2016
SERVICE NO. DR 1972

Vs.

1 THE GOVERNMENT OF TAMILNADU
REP. BY THE SECRETARY TRANSPORT DEPARTMENT
SECRETARIAT ST. GEORGE FORT CHENNAI 600 009

2 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNAN ROAD
SALEM 636 007

3 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNAN ROAD
SALEM 636 007

4 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002.

... RESPONDENT in WP
No.28672,28673,28675,28676,
28677, 28678, of 2016

- 1 THE GOVERNMENT OF TAMILNADU
REP. BY THE SECRETARY TRANSPORT DEPARTMENT
SECRETARIAT ST. GEORGE FORT
CHENNAI 600 009
- 2 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. NO.12 RAMAKRISHNAN ROAD
SALEM 636 007
- 3 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD. DHARMAPURI REGION
BHARATHIPURAM DHARMAPURI
- 4 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.28674 of 2016
- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD SALEM DIVISION NO.12
RAMAKRISHNA ROAD POST BOX NO.713 SALEM-
636 007.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD SALEM DIVISION NO.12
RAMAKRISHNA ROAD POST BOX NO.713
SALEM-636 007.
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST THIRUVALLUVAR
HOUSE PALLAVAN SALAI CHENNAI-600 002.
... RESPONDENT in WP No.28681,28682,
28684,28685, 28686,
28687,28688,28689,28690,28691,
28692,28693, 28694,28695,28696,
28697 to 28702,28703,28704 to 28715 of 2016

- 1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD SALEM DIVISION NO.12
RAMAKRISHNA ROAD POST BOX NO.713
SALEM- 636 007.
- 2 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LTD DHARMAPURI DIVISION-II
DHARMAPURI
- 3 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST THIRUVALLUVAR
HOUSE PALLAVAN SALAI
CHENNAI-600 002. ... RESPONDENT in WP No.28683 of 2016
- 1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT
CORPORATION(VILLUPURAM) LIMITED
VAZHUTHAREDDY VILLUPURAM-605 602
- 2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT
CORPORATION(VILLUPURAM) LIMITED VELLORE
REGION VELLORE-632 109
- 3 THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002 ... RESPONDENT in WP No.28720 of 2016
- 1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED VAZHUTHAREDDY
VILLUPURAM-605 602.
- 2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED VELLORE REGION
VELLORE-632 109.
- 3 THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002.
... RESPONDENT in WP No.28721,28722
of 2016

1 THE STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY TRANSPORT
DEPARTMENT FORT ST. GEORGE CHENNAI-9.

2 THE MANAGING DIRECTOR
STATE EXPRESS TRANSPORT CORPORATION (TN) LTD
CHENNAI-2.

... RESPONDENT in WP No.28726 to 28733
28734 to 28741, of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED NO.12 RAMAKRISHNA ROAD
SALEM 7

2 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI 2.

... RESPONDENT in WP No.28749 to 28756 of 2016

1 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED VAZHUTHAREDDY
VILLUPURAM-605 602

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED VELLORE REGION
VELLORE-632 109

3 THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002

... RESPONDENT in WP No.28763,28764, of 2016

1 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(COIMBATORE DIVISION) LTD 37
METTUPALAYAM ROAD
COIMBATORE-641 043

... RESPONDENT in WP No.28766 of 2016

1 THE MANAGING DIRECTOR
TAMILNADU TRANSPORT CORPORATION LTD.
NO.12 RAMAKRISHNA ROAD
SALEM-7.

... RESPONDENT in WP No.28781 of 2016

Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus,

WP No.28672 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Gratuity, Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L. and ML Surrender during service 15 days in other benefits 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., 30.06.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP No.28673 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including E.L. Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L. and Interest for belated settlement of gratuity provident fund, commutation, labour welfare fund and medical Engineer College share fund and in other benefits 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., 31.1.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

WP No.28674 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Gratuity, Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L., EL Surrender, Provident Fund, Commutation, Family Welfare Fund, IRT Medical College fund and Settlement benefits in other benefits 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., 31.08.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP No.28675 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Gratuity, Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L. and EL Surrender in other benefits 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., 31.01.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP No.28676 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Gratuity, Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L. and E.L. Surrender in other benefits 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., 30.06.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.28677 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Surrender Leave Salary, ERBS Pension Arrears, Pension DA Arrears, M.L. and EL in other benefits 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., 30.06.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP No.28678 of 2016:

Directing the Respondents to settle the Petitioners retirement benefits including Interest for belated settlement for Gratuity,

Commutation, Labour, Welfare Fund and IRT Medical College Fund, ERBS Pension Arrears, Pension DA Arrears, Surrender Leaver Salary ie. Earned Leave Balance and EL Surrender in other benefits 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., 29.02.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP No.28681 of 2016:

Directing the respondents to settle payment of a). Gratuity amount, b) Earned Leave - 185 days, for the year 2009- 15 days, For the year 2010 - 15 days, For the year 2011 - 15 days, Total Earned Leave - 230 days, c) Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28682 of 2016:

Directing the respondents to settle payment of a). Gratuity amount, b) Earned Leave - 240 days + 15 days, Total Earned Leave - 255 days, c) Commutation of Pension d). Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28683 of 2016:

Directing the respondents to settle payment of a. Gratuity amount, b. Earned Leave - 28 days, c. Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28684 of 2016:

Directing the respondents to settle payment of a. Gratuity amount, b. Earned Leave - 110 days, For the year Nov 2009 - 15 days, Total Earned Leave- 125 days, c. Commutation of Pension and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28685 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension Employees Retirement Benefit

Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28686 of 2016:

Directing the respondents to settle payment of a).Gratuity amount, b). Earned Leave -42 days, For the year Jan 2011 - 15 days, Total Earned Leave - 57 days, c). Commutation of Pension, d). Provident Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28687 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave -270 days, Medical Leave - 119 days, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS) and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28688 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave - 111 + 30days =141 days, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28689 of 2016:

Directing the respondents to settle payment of a).Gratuity amount, b).Earned Leave -224 days, c).Medical Leave - 128 days, d). Commutation of Pension, e).Employees Retirement Benefit Scheme (ERBS) f).Institute of Road and Transport Technology (IRTT) Fund and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28690 of 2016:

Directing the respondents to settle payment of Gratuity Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS) Voluntary Retirement Scheme Compensation, Pension arrears for the months of July and August 2015 and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28691 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28692 of 2016:

Directing the respondents to settle payment of a).Gratuity amount, b). (i) Earned Leave- 125 days (ii) For the year 2012 Earned Leave-15 days, Total Earned Leave- 140 days, c). Commutation of Pension, d). Employees Retirement Benefit Scheme (ERBS), e). Institute of Road and Transport Technology (IRTT) Fund, f).Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28693 of 2016:

Directing the respondents to settle payment of Gratuity amount, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28694 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Voluntary Retirement Scheme, pension arrears from May - 2015 to Oct- 2015, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28695 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme, (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable

rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28696 of 2016:

Directing the respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme, (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28697 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28698 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28699 of 2016:

Directing the Respondents to settle payment of a) Gratuity Amount; b) Earned Leave - 175 days; For the year 2010 - 15 days; Total - 190 days; c) Old Medical Leave - 9 days; d) Commutation of Pension; e) Provident Fund; f) Employees Retirement Benefit Scheme (ERBS); g) Institute of Road and Transport Technology (IRTT) Fund; h) Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28700 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund,

Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28701 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28702 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28703 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28704 of 2016:

Directing the Respondents to settle payment of a) Gratuity Amount; b) Earned Leave - 237 days; For the year 2009 - 15 days; For the year 2010 - 15 days; For the year 2011 - 15 days; For the year 2012 - 15 days; Total - 297 days; c) Medical Leave and Old Medical Leave - 60 days; d) Commutation of Pension; e) Employees Retirement Benefit Scheme (ERBS); f) Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28705 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of

Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28706 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28707 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28708 of 2016:

Directing the Respondents to settle payment of a) Gratuity, b) Earned Leave, c) Commutation of Pension, d) Provident Fund, e) Employees Retirement Benefit Scheme (ERBS), f) Institute of Road and Transport Technology (IRTT) Fund, g) Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28709 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28710 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the

petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28711 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave & Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28712 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Commutation of Pension, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28713 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave and Old Medical Leave, Commutation of Pension, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28714 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave and Old Medical Leave, Provident Fund, Employees Retirement Benefit Scheme (ERBS), Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28715 of 2016:

Directing the Respondents to settle payment of Gratuity, Earned Leave, Medical Leave and Old Medical Leave, Commutation of Pension, Institute of Road and Transport Technology (IRTT) Fund, Settlement benefits and other retiral benefits payable to the petitioner with reasonable rate of interest within the time frame that may be stipulated by this Honourable Court.

WP No.28720 of 2016:

Directing the respondents to disburse the payments relating to the Settlement benefits and arrears, Gratuity, Commutation, Salary for 11 days unpaid for the period 21.05.2014 to 31.05.2015 and Pension arrears calculating D.A. eligible as per the new rates implemented with interest at 18% per annum with effect from 01.06.2014.

WP No.28721 of 2016:

Directing the respondents to disburse the payments relating to the terminal benefits such as Gratuity, Commutation, salary for 10 days unpaid for the period 21.06.2013 to 30.06.2013 and Pension arrears eligible as per the new settlement rates implemented with interest at 18% per annum with effect from 01.07.2013.

WP No.28722 of 2016:

Directing the respondents to disburse the payments relating to Gratuity and Security Deposit with interest at 18% per annum with effect from 01.05.2013.

WP No.28726 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28727 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28728 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28729 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28730 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28731 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28732 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 4.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28733 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28734 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 4.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28735 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 30.7.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28736 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28737 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28738 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 30.7.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28739 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28740 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28741 of 2016:

Directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 3.8.2016 including interest thereto on such belated payment within a time to be stipulated by this Honourable Court.

WP No.28749 of 2016:

directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment (Earned Leave and Medical Leave), Surrender Leave Salary for the year of 2009-2011, IRT Share Amount and all other Retirement Benefits 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 1.9.2014 within the stipulated time as may be fixed by this Honourable Court.

WP No.28750 of 2016:

directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave and Medical Leave), Surrender Leave Salary for the year of 2009-2011, and all other Retirement Benefits 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 1.11.2012 within the stipulated time as may be fixed by this Honourable Court.

WP No.28751 of 2016:

directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Medical Leave), and all other Retirement Benefits 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 1.7.2016 within the stipulated time as may be fixed by this Honourable Court.

WP No.28752 of 2016:

directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Medical Leave), and all other Retirement Benefits 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 1.6.2016 within the stipulated time as may be fixed by this Honourable Court.

WP No.28753 of 2016:

directing the respondents to disburse the payments relating to Leave Encashment (Earned Leave and Medical Leave), Surrender Leave Salary for the year of 2009-2011, DA Arrears and all other Retirement Benefits 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 1.5.2012 within the stipulated time as may be fixed by this Honourable Court.

WP No.28754 of 2016:

directing the respondents to disburse the payments relating to Provident Fund, Gratuity, Leave Encashment (Earned Leave and Medical Leave), Surrender Leave Salary for the year of 2009-2011, Labour Welfare Fund, IRT Share Amount and all other Retirement Benefits 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 1.6.2016 within the stipulated time as may be fixed by this Honourable Court.

WP No.28755 of 2016:

directing the respondents to disburse the payments relating to Settlement Arrear, Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave and Medical Leave), Labour Welfare Fund, IRT Share Amount, Surrender Leave Salary for the year of March 2011, March 2012, March 2013 and DA Interest 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 Court within the stipulated time as may be fixed by this Honourable Court.

WP No.28756 of 2016:

directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave and Medical Leave), IRT Share Amount, D.A. Arrears and all other Retirement Benefits 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 1.6.2014 within the stipulated time as may be fixed by this Honourable Court.

WP No.28763 of 2016:

Directing the respondents to disburse the payments relating to Gratuity and Security Deposit with interest at 18% per annum with effect from 01.06.2013.

WP No.28764 of 2016:

Directing the respondents to disburse the payments relating to Gratuity, Commutation, Leave Encashment and Pension arrears calculating as per the new rates implemented as per the wage settlement agreement, with interest at 18% per annum with effect from 01.02.2015

WP No.28766 of 2016:

Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs. 4,67,946 + Leave Encashment (EL) Sum of Rs. 6,758 = totally a sum of Rs. 4,74,704/- + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.05.2013 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.06.2013 to till the date of disbursement of the terminal benefit to the petitioner.

WP No.28781 of 2016:

Direct the respondent to consider and pass orders on the petitioners representation dated 19.10.2015 with regard to payment of retirement benefit within a stipulated time as fixed by this Honourable Court.

Petitioner in WPs

Mr.R.Ganapathy for M/S.M.Selvam ...W.P.Nos.28672 & 28678/2016

M/S.N.Sudhagar Nagaraj ...W.P.Nos.28681 & 28696/2016,
28697 & 28715/2016

M/S.V.Dhayanithi ...W.P.No.28720
M/S.R.Ariyudaiyanambi ...W.P.No.28721, 28722/2016
M/S.L.Chandrakumar ...W.P.No.28726 to 28733/2016
M/S.S.Pradeep ...W.P.No.28734 & 28741/2016

W.P.No.28749 to 28756/2016
Dr.T.M.Kannan ...W.P.No.28763 & 28764/2016
M/S.M.Sundharavadhanam ...W.P.No.28781/2016
George Willims ...W.P.No.28766/2016

Respondents in W.Ps

Mr.K.V.Dhanapal ...Special Government Pleader for R1
Mr.P.Paramasivadoss
Standing Counsel for R2 & R3 in W.P.Nos.28672 to 28678/2016
R1 to R3 in W.P.Nos.28681 to 28696/2016
28749 to 28756/2016,28763
& 28764, 28781/2016
Mr.V.Sairaman W.P.No.28720, 28766/2016
Mr.P.Kannan Kumar
SC W.P.Nos.28721 & 28722
W.P.Nos.28723 to 28733
W.P.287346, 28741/2016

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 respondents 2 and 3, 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(CS IV)

//True Copy//

Sub Assistant Registrar

To

1 THE SECRETARY,
GOVERNMENT OF TAMIL NADU
TRANSPORT DEPARTMENT
SECRETARIAT
ST.GEORGE FORT
CHENNAI-600 009.

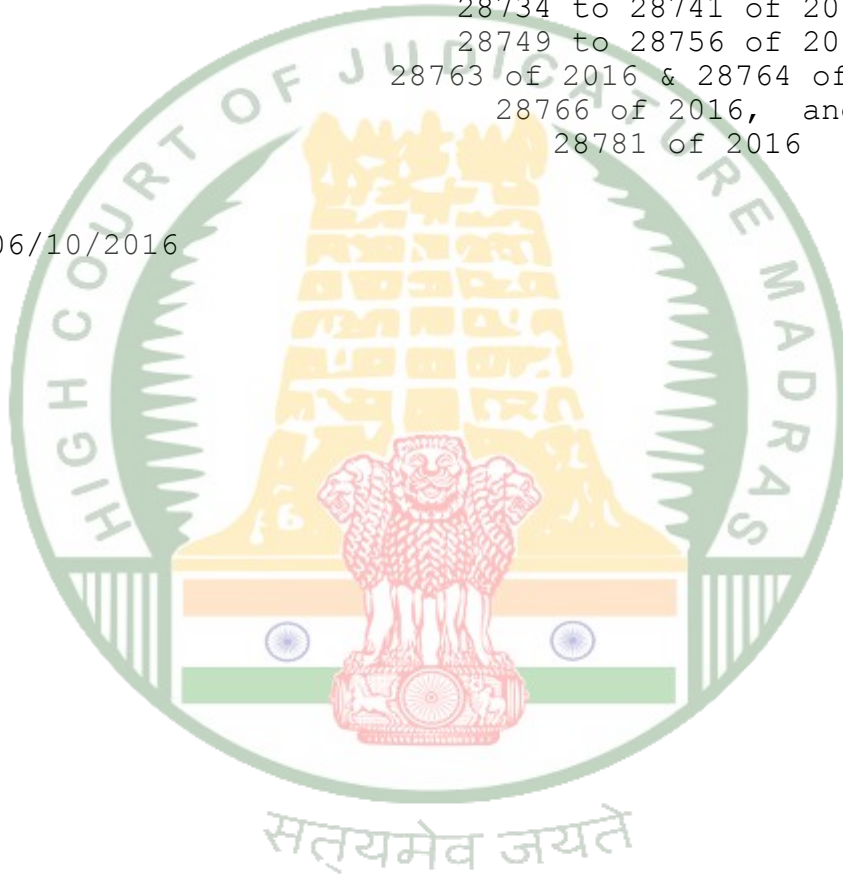
- 2 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (SALEM) LIMITED
NO.12, RAMAKRISHNAN ROAD
SALEM-636 007.
- 3 THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION (SALEM) LIMITED
NO.12, RAMAKRISHNAN ROAD
SALEM-636 007.
- 4 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE, PALLAVAN SALAI
CHENNAI-600 002.
- 5 THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI
CHENNAI-600 002.
- 6 THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT
CORPORATION(VILLUPURAM) LIMITED
VAZHUTHAREDDY VILLUPURAM-605 602
- 7 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT
CORPORATION(VILLUPURAM) LIMITED VELLORE
REGION VELLORE-632 109
- 8 THE MANAGING DIRECTOR
STATE EXPRESS TRANSPORT CORPORATION (TN) LTD
CHENNAI-2.
- 9 THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION
(COIMBATORE DIVISION) LTD 37
METTUPALAYAM ROAD
COIMBATORE-641 043

+16 ccs to Mr.L.Chandrakumar, Advocate Sr.47476
+7cc to Mr.M.Selvam, Advocate sr.47103
+1cc to M/S.R.y.George Williams, Advocate sr.47187
+18cc to Mr.P.Kannankumar, Advocate Sr.47725
+35 ccs to Mr.N.Sudhagar Nagaraj, Advocate sr.47138, 47137

+1cc to M/S.P.Paramasivadoss, Advocate Sr.47455
+2cc to M/S.S.Sairaman, Advocate Sr.47354
+1cc to the Government Pleader Sr.47682
+8cc to Mr.J.Pradeep, Advocate Sr.46986 [19/10/2016]

W.P.Nos. 28672 to 28678 of 2016,
28681 to 28696 of 2016,
28697 to 28715 of 2016,
28720 of 2016, 28721 and 28722 of 2016,
28726 to 28733 of 2016,
28734 to 28741 of 2016,
28749 to 28756 of 2016,
28763 of 2016 & 28764 of 2016,
28766 of 2016, and
28781 of 2016

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srg + eu 06/10/2016



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