

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 29065 of 2016,  
29072 to 29074 of 2016, 29081 of 2016,  
29091 of 2016, 29130 of 2016,  
29177 to 29179 of 2016  
and  
29189 to 29194 of 2016

P.VARATHARAJ ... PETITIONER in WP.29065 of 2016  
K.PANNERSELVAM ... PETITIONER in WP.29072 of 2016  
G.SUBBURAYALU ... PETITIONER in WP.29073 of 2016  
K.SUBRAMANIAN ... PETITIONER in WP.29074 of 2016  
C.SIVA PRAKASAM ... PETITIONER in WP.29081 of 2016  
K.CHINNASWAMY ... PETITIONER in WP.29091 of 2016  
M.MADHU ... PETITIONER in WP.29130 of 2016  
R.SAKTHIVEL ... PETITIONER in WP.29177 of 2016  
S.P.SUBRAMANIAM ... PETITIONER in WP.29178 of 2016  
K.MUTHUVEL ... PETITIONER in WP.29179 of 2016  
M.NAGARAJAN (M) AGE 59 YEARS ... PETITIONER in WP.29189 of 2016  
K.KUPPUSAMY (M) AGE 58 YEARS ... PETITIONER in WP.29190 of 2016  
M.SOUNDARARAJAN (M) ... PETITIONER in WP.29191 of 2016  
M.KANAGARAJ (M) AGE 63 YEARS ... PETITIONER in WP.29192 of 2016  
M.SUBRAMANI CR 1837 ... PETITIONER in WP.29193 of 2016  
M.CHANDRAN (M) AGE 59 YEARS ... PETITIONER in WP.29194 of 2016

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-632 009. ... RESPONDENTS in WP.29065 of 2016

1.THE MANAGING DIRECTOR  
TAMILNADU STATE TRANSPORT CORPORATION  
(VILLUPURAM) LTD  
VILLUPURAM

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(VILLUPURAM) LTD VILLUPURAM REGION  
VILLUPURAM

3.THE ADMINISTRATOR  
TAMILNADU STATE TRANSPORT CORPORATION  
EMPLOYEES POST RETIREMENT WELFARE FUND  
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI  
CHENNAI-600 002. ... RESPONDENTS in WPs.29072 &  
29073 of 2016

1.THE MANAGING DIRECTOR  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD  
SALEM - 636 007

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION  
SALEM

3.THE ADMINISTRATOR  
TAMILNADU STATE TRANSPORT CORPORATION  
EMPLOYEES POST RETIREMENT WELFARE FUND  
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI  
CHENNAI-600 002. ... RESPONDENTS in WP.29074 of 2016

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

... RESPONDENT in WPs.29081,29091 &  
29130 of 2016

1.TAMILNADU STATE TRANSPORT  
CORPORATION (COIMBATORE) LTD  
REP BY ITS GENERAL MANAGER  
CHENNIMALAI ROAD ERODE-1

2.TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION TRUST  
REP BY ITS ADMINISTRATOR THIRUVALLUVAR ILLAM  
ANNA SALAI CHENNAI-600 002.

... RESPONDENTS in WPs.29177 & 29178  
of 2016

TAMILNADU STATE TRANSPORT  
CORPORATION (COIMBATORE) LTD  
REP BY ITS GENERAL MANAGER ERODE REGION  
CHENNIMALAI ROAD ERODE-1

... RESPONDENT in WP.29179 of 2016

1.TAMILNADU STATE TRANSPORT  
CORPORATION (SALEM) LTD  
REP BY ITS MANAGING DIRECTOR  
12 RAMAKRISHNA ROAD  
SALEM-636 007

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD DHARMAPURI REGION  
DHARMAPURI

3.TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION FUND TRUST  
REP BY ITS ADMINISTRATOR  
THIRUVALLUVAR ILLAM ANNA SALAI  
CHENNAI-2.

... RESPONDENTS in WPs.29189, 29190  
& 29191 of 2016

1.TAMILNADU STATE TRANSPORT  
CORPORATION (SALEM) LTD  
REP BY ITS MANAGING DIRECTOR  
12 RAMAKRISHNA ROAD  
SALEM-636 007

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD DHARMAPURI REGION  
UTHANGARAI DEPOT UTHANGARAI

3.TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION FUND TRUST  
REP BY ITS ADMINISTRATOR  
THIRUVALLUVAR ILLAM  
ANNA SALAI CHENNAI-2

... RESPONDENTS in WP.29192 of 2016

1.TAMILNADU STATE TRANSPORT  
CORPORATION (SALEM) LTD  
REP BY ITS MANAGING DIRECTOR  
12 RAMAKRISHNA ROAD SALEM-636 007

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION JOHNSON PEATTI  
SALEM-007

3.TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION FUND TRUST  
REP BY ITS ADMINISTRATOR  
THIRUVALLUVAR ILLAM  
ANNA SALAI CHENNAI-2

... RESPONDENTS in WP.29193 of 2016

1.TAMILNADU STATE TRANSPORT  
CORPORATION (SALEM) LTD  
REP BY ITS MANAGING DIRECTOR  
12 RAMAKRISHNA ROAD SALEM-636 007

2.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION CENTRAL DEPOT  
SALEM-636 007

3.TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION FUND TRUST  
REP BY ITS ADMINISTRATOR  
THIRUVALLUVAR ILLAM  
ANNA SALAI CHENNAI-2

... RESPONDENTS in WP.29194 of 2016

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

W.P.No.29065 of 2016 : Directing the respondents to disburse the payments relating to gratuity, leave encashment, pension arrears by calculating D.A. eligible and 2013 Wage Settlement Effect as per newly implemented with interest at 12% per annum with effect from 01.09.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.29072 of 2016 : Directing the respondents to settle the petitioners retirement benefits including Leave Salary, Gratuity, Commutation, Dearness Allowance, Settlement Arrears and SL Surrender and all other attendant retirement benefits etc., with interest at the rate of not less than 12% 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. 30.09.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.29073 of 2016 : Directing the respondents to settle the petitioners retirement benefits including Leave Salary, Gratuity, Commutation, Dearness Allowance, Settlement Arrears and SL Surrender and all other attendant retirement benefits etc., with interest at the rate of not less than 12% 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. 30.06.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.29074 of 2016 : Directing the respondents to settle the petitioners retirement benefits including Leave Salary, Gratuity, Commutation, Dearness Allowance, Settlement Arrears and SL Surrender and all other attendant retirement benefits etc., with interest at the rate of not less than 12% 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. 31.03.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.29081 of 2016 : Directing the Respondent to consider and pass orders on my representation dated 26.05.2016 with regard to

payment of retirement benefit within a stipulated time as fixed by this Honourable Court.

W.P.No.29091 of 2016 : To direct the Respondent to consider and pass orders on the petitioners representation dated 02.06.2016 with regard to payment of retirement benefit within a stipulated time as fixed by this Honourable Court.

W.P.No.29130 of 2016 : To direct the respondent to consider and pass orders on the petitioners representation dated 30.5.2016 with regard to payment of retirement benefit within a stipulated time as fixed by this Honourable court.

W.P.No.29177 of 2016 : Directing the respondents to pay the petitioner forthwith the arrears of salary payable to him, based on the wage revision given in the settlement dated 13.04.2015, for the period from 01.09.2013 to 30.04.2014 the gratuity amount the earned leave salary for 161 days medical leave salary for 26.5 days which stood to his credit before 1998 all based on the salary payable to him as on the date of his retirement as per the settlement dated 13.04.2015 to revise all the terminal benefits which were already paid to the petitioner based on the salary payable to him as on the date of his retirement based on the settlement dated 13.04.2015, with arrears and consequential benefits including revised monthly pension; the earned leave salary for 45 days which he has surrendered in the years 2010, 2011 & 2012; the arrears of difference in Dearness Allowance based on the increase in the rate of D.A. and the monthly pension payable under the Post Retirement Benefit Scheme with arrears, together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29178 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.3,07,153/- towards gratuity amount a sum of Rs.86,043/- towards earned leave salary for 91 days a sum of Rs.12, 428/- towards medical leave salary for 13 days which stood to his credit before 1998 the earned leave salary for 45 days which he has surrendered in the years 2010, 2011 and 2012 the arrears of difference in Dearness/ Allowance based on the increase in the rate of D.A and the monthly pension payable under the Post Retirement Benefit Scheme with arrears a sum of Rs.1,35,711/- towards commuted value of pension the amount payable under the Social Security Scheme, the Provident Fund, together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable court.

W.P.No.29179 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.4,94,769/- towards gratuity a sum of Rs.2,81,312/- towards encashment of the earned leave a

sum of Rs.48, 052/- towards medical leave salary, salary for surrender of 45 days of earned leave in the years 2010, 2011 and 2012 the amounts payable under the Social security scheme the arrears of difference in dearness allowance due to the increase in the rate of dearness allowance, the interest for a sum of Rs.4,87,601/- paid to him towards PF Contributions from the date of his retirement to the date of actual payment and the monthly pension payable under the Post Retirement Scheme together with interest at the rate of 12% within a specified time as may be fixed by this Honourable Court.

W.P.No.29189 of 2016 : Directing the respondents to pay and settle all retirement benefits due to the petitioner including gratuity, leave Salary, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner within a specified time limit as may be fixed by this Honourable Court, award costs.

W.P.No.29190 of 2016 : Directing the respondents to pay and settle all retirement benefits due to the petitioner including gratuity, leave Salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner within a specified time limit as may be fixed by this Honourable Court, award costs.

W.P.No.29191 of 2016 : Directing the respondents to pay and settle all the retirement benefits due to the petitioner including gratuity, leave encashment Salary, commuted value of pension, provident fund, IRD share amount, Dearness allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner within a specified time limit as may be fixed by this Honourable Court, award costs.

W.P.No.29192 of 2016 : Directing the respondents to pay and settle the one of retirement benefits due to the petitioners, leave salary together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner, within a specified time limit as may be fixed by this Honourable Court, award costs.

W.P.No.29193 of 2016 : Directing the respondents to pay and settle all the retirement benefits due to the petitioner including gratuity, leave encashment salary, commuted value of pension, provident fund, IRD share amount, Dearness Allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioners, within a specified time limit as may be fixed by this Honourable court, award costs.

W.P.No.29194 of 2016 : Directing the respondents to pay and settle all the retirement benefits due to the petitioner including gratuity, leave salary, commuted value of pension, provident fund, IRD share amount, Dearness Allowance, Bonus, retirement period of welfare fund and all other retirement benefits and arrears of revised salary in full together with interest at the rate of 12% per annum from the date when the payment became due till the date of payment to the petitioner, within a specified time limit as may be fixed by this Honourable court, award costs.

For Petitioners

Mr.C.Prabakaran - in W.P.29065 of 2016  
M/s.Suresh - in W.P.29072 to 29074 of 2016  
M/s.Sundaravadanam - in W.Ps.29081,29130 & 29091 of 2016  
M/s.R.Krishnaswamy - in W.Ps.29177 to 29179 of 2016  
M/s.S.P.Parvadhraj  
Arumugam - in W.Ps.29189 to 29194 of 2016

For Respondents

Mr.P.Kannan Kumar - in W.Ps.29065, 29189 to 29194 of 2016  
Mr.P.Paramasivadoss - in W.Ps.29072 to 29075, 29081, 29130 & 29091 of 2016  
Mr.S.Sairaman - in W.Ps.29177 to 29179 of 2016

## COMMON ORDER

By consent, these Writ Petitions are taken up together 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, 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 15.12.2016.

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

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

paa

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-632 009.
3. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(VILLUPURAM) LTD VILLUPURAM REGION  
VILLUPURAM
4. THE ADMINISTRATOR  
TAMILNADU STATE TRANSPORT CORPORATION  
EMPLOYEES POST RETIREMENT WELFARE FUND  
SCHEME THIRUVALLUVAR HOUSE PALLAVAN SALAI  
CHENNAI-600 002.

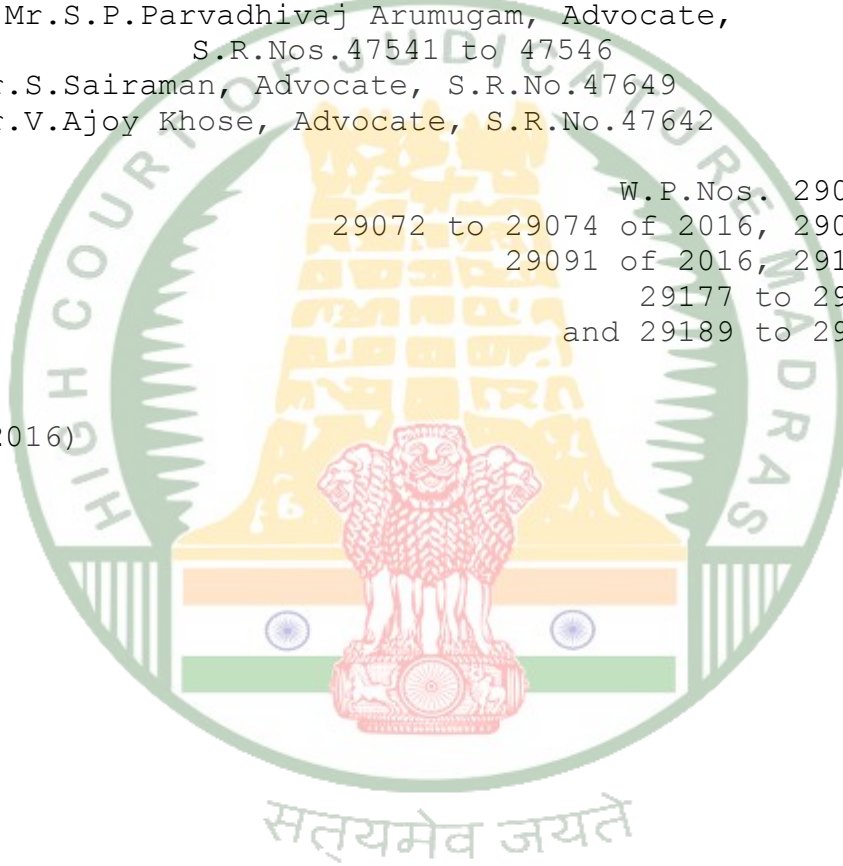
5. THE MANAGING DIRECTOR  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD  
SALEM - 636 007
6. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION  
12 RAMAKRISHNA ROAD  
SALEM.
7. THE MANAGING DIRECTOR  
TAMILNADU TRANSPORT CORPORATION LTD.  
NO.12 RAMAKRISHNA ROAD SALEM 7.
8. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT  
CORPORATION (COIMBATORE) LTD  
CHENNIMALAI ROAD ERODE-1
9. THE ADMINISTRATOR  
TAMILNADU STATE TRANSPORT CORPORATIONS  
EMPLOYEES PENSION TRUST  
THIRUVALLUVAR ILLAM  
ANNA SALAI CHENNAI-600 002.
10. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT  
CORPORATION (COIMBATORE) LTD  
ERODE REGION  
CHENNIMALAI ROAD ERODE-1
11. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD DHARMAPURI REGION  
DHARMAPURI
12. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD DHARMAPURI REGION  
UTHANGARAI DEPOT UTHANGARAI
13. THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION JOHNSON PEATTI  
SALEM-007

14.THE GENERAL MANAGER  
TAMILNADU STATE TRANSPORT CORPORATION  
(SALEM) LTD SALEM REGION CENTRAL DEPOT  
SALEM-636 007

+1cc to Mr.C.Prabhakaran, Advocate, S.R.No.47631  
+2cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.47781  
+3cc's to Mr.A.R.Suresh, Advocate, S.R.Nos.47638 to 47640  
+1cc to Mr.P.Paramasiva Doss, Advocate, S.R.No.47733  
+3cc's to Mr.Sundaravadhnam, Advocate, S.R.Nos.48150 to 48152  
+6cc's to Mr.S.P.Parvadhivaj Arumugam, Advocate,  
S.R.Nos.47541 to 47546  
+1cc to Mr.S.Sairaman, Advocate, S.R.No.47649  
+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.47642

W.P.Nos. 29065 of 2016,  
29072 to 29074 of 2016, 29081 of 2016,  
29091 of 2016, 29130 of 2016,  
29177 to 29179 of 2016  
and 29189 to 29194 of 2016

MP1 (CO)  
CA(14/09/2016)



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