

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.29199 to 29204, 29230, 29280 to 29282, 29268 to 29271,
29323 to 29331, 29238 & 29239, 29334 to 29347, 29349 to 29357 of
2016
and 29213 to 29216 of 2016

R.Boobalan	...Petitioner in WP.29199 of 2016
S.Gopinath	...Petitioner in WP.29200 of 2016
V.Dhanasekaran	...Petitioner in WP.29201 of 2016
S.Kannan	...Petitioner in WP.29202 of 2016
S.Natarajan	...Petitioner in WP.29203 of 2016
G.Tamilvanan	...Petitioner in WP.29204 of 2016
T.P.Veerapandian	...Petitioner in WP.29230 of 2016
K.Purushothaman	...Petitioner in WP.29280 of 2016
P.Fazal Mohammad	...Petitioner in WP.29281 of 2016
A.Jaganathan	...Petitioner in WP.29282 of 2016
T.Sivakumar	...Petitioner in WP.29268 of 2016
J.Ibrahim	...Petitioner in WP.29269 of 2016
G.Muthiah	...Petitioner in WP.29270 of 2016
K.Ravichandran	...Petitioner in WP.29271 of 2016
S.A.Shajahan Sheriff	...Petitioner in WP.29323 of 2016
M.Shanmugavelu	...Petitioner in WP.29324 of 2016
M.Sethuramalingam	...Petitioner in WP.29325 of 2016
M.Manoharan	...Petitioner in WP.29326 of 2016
C.Somasundaram	...Petitioner in WP.29327 of 2016
R.Thangaraju	...Petitioner in WP.29328 of 2016
K.Kangesan	...Petitioner in WP.29329 of 2016
P.Chinnadurai	...Petitioner in WP.29330 of 2016
S.A.Parthiban	...Petitioner in WP.29331 of 2016
D.Raju	...Petitioner in WP.29238 of 2016
P.Ramesh	...Petitioner in WP.29239 of 2016
V.Samuthirakkani	...Petitioner in WP.29334 of 2016
C.Chandrasekaran	...Petitioner in WP.29335 of 2016
P.Kaithamalai	...Petitioner in WP.29336 of 2016
S.Mariyappan	...Petitioner in WP.29337 of 2016
A.Ponnusamy	...Petitioner in WP.29338 of 2016
A.Abdul Hakkim	...Petitioner in WP.29339 of 2016
C.Nallasivam	...Petitioner in WP.29340 of 2016
R.Amirthalingam	...Petitioner in WP.29341 of 2016
T.Shanmugam	...Petitioner in WP.29342 of 2016
S.Raja	...Petitioner in WP.29343 of 2016
A.Anandan	...Petitioner in WP.29344 of 2016

M.Periyasamy	...Petitioner in WP.29345 of 2016
C.P.Gunasekaran	...Petitioner in WP.29346 of 2016
K.Duraisamy	...Petitioner in WP.29347 of 2016
S.Sridharan	...Petitioner in WP.29349 of 2016
D.Balakrishnan	...Petitioner in WP.29350 of 2016
N.Rajendran	...Petitioner in WP.29351 of 2016
V.Stephen	...Petitioner in WP.29352 of 2016
R.Subramanian	...Petitioner in WP.29353 of 2016
T.Natarajan	...Petitioner in WP.29354 of 2016
P.Pandian	...Petitioner in WP.29355 of 2016
A.Velusamy	...Petitioner in WP.29356 of 2016
K.Jayaraman	...Petitioner in WP.29357 of 2016
G.Rajendran	...Petitioner in WP.29213 of 2016
M.Rajendran	...Petitioner in WP.29214 of 2016
G.Gopi	...Petitioner in WP.29215 of 2016
K.Mani	...Petitioner in WP.29216 of 2016

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Principal Secretary,
Transport Department,
Fort St.George, Chennai - 600 009.
- 2.The Managing Director,
State Express Transport Corporation [TN] Ltd.,
Chennai - 600 002. ... Respondents in WPs.29199 to
29204 of 2016
- 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 Kancheepuram Region
Kancheepuram ... Respondents in WP.29230 of 2016
- 1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department Secretariat
Fort St. George Chennai-600 009
- 2.The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy-Post
Villupuram-605 602

3.The Administrator

Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-600 002. ... Respondents in WP.29280 of
2016

1.The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department Secretariat
Fort St. George Chennai-600 009

2.The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No.37 Mettupalayam Road
Coimbatore-641 043

3.The Financial Advisor
and Chief Accounts Officer
Tamil Nadu State Transport Corporation (CBE) Ltd
Head Office No.37 Mettupalayam Road
Coimbatore-641 043 ... Respondents in
WP.29281 of 2016

1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department Secretariat
Fort St. George Chennai-600 009

2.The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No.37 Mettupalayam Road
Coimbatore-641 043. ... Respondents in WP.29282 of
2016

1.The Principal Secretary to Government
Transport Department सत्यमेव जयते
Fort St. George Chennai-9

2.The Managing Director
Metropolitan Transport Corporation (Chennai)
Ltd. Pallavan House
Anna Salai Chennai-2 ... Respondents in WPs.29268
to 29271 of 2016

The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-2 ... R3 in WPs.29268 &
29269 of 2016

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

... Respondent in WPs.29323
to 29327 of 2016 & Ist Respondent
in WPs.29328 to 29331 of 2016

The Administrator
Tamil Nadu State Transport Corporation (Salem) Limited
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House Pallavan Salai
Chennai-600 002.

... R2 in WPs.29328
to 29331 of 2016

1.Tamilnadu State Transport Corporation (Villupuram) Ltd.
rep. by its Managing Director
3/37 Salamedu Vazhuthareddy
Villupuram 605 602

2.The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd.
Cuddalore Region Cuddalore Depot I
Cuddalore 607 001.

... R1 & R2 in WPs.29238 & 29239 of
2016

Tamilnadu State Transport Corporation's
Employees' Pension Trust,
Rep.by its Administrator,
Thiruvalluvar Illam, Anna Salai,
Chennai 600 002.

... R3 in WP.29239 of 2016

The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.,
Rep.by its Managing Director,
Coimbatore.

... Respondent in WPs.29334, 29337 to
29339, 29342, 29343,
29346 & 29347 of 2016

The Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.,
Rep.by its Managing Director,
Erode Region, Erode.

... Respondent in WPs.29335, 29336,
29340, 29341, 29344 & 29345 of 2016

1.Tamilnadu State Transport
Corporation (Villupuram) Ltd.
Rep. by its Managing Director 3/37 Salamedu
Vazhuthareddy Villupuram-605 602.

2.The General Manager

Tamilnadu State Transport Corporation
(Villupuram) Ltd. Villupuram Region
3/37 Salamedu Vazhuthareddy
Villupuram-605 603.

... Respondents in WP.29349 of 2016
& R1 in WPs.29350 to 29357 of 2016

The General Manager,

Tamilnadu State Transport Corporation
(Villupuram) Ltd.,
Cuddalore Region, Cuddalore Depot-I,
Cuddalore 607 001.

... R2 in WPs.29350 to 29357 of 2016

Tamilnadu State Transport Corporation's

Employees' Pension Trust,
Rep.by its Administrator,
Thiruvaluvar Illam,
Anna Salai, Chennai 2.

... R3 in WPs.29351 to 29357 of 2016

1.The Managing Director

Tamilnadu State Transport Corporation
(Villupuram) Ltd Vazhuthareddy
Villupuram - 605 602

2.The General Manager

Tamil Nadu State Transport Corporation
(Villupuram) Ltd Rangapuram
Vellore Region Vellore

3.The Administrator

Tamilnadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House Pallavan Salai
Chennai -600 002.

... Respondents in WPs.29213 to
29216 of 2016

Writ Petitions has been filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus,

W.P.Nos.29199 to 29204 of 2016 : Directing the second respondent
to settle all eligible retirement benefits of the petitioner as
sought for in his representation dated 03.08.2016, 06.08.2016,
08.08.2016 & 06.08.2016 respectively including interest thereto
on such belated payment within a time to be stipulated by this
Honourable Court.

W.P.No.29230 of 2016 : Directing the respondents, to settle the petitioner retirement benefits including Gratuity 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. 31.08.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.29280 of 2016 : Directing the respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Commutation of Pension, Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98), Pending in service leave salary for 15 days, DA arrears, Pension DA arrears, PF arrears Reimbursement of Medical college and Engineering college amount Social Security Scheme Encashment of unearned leave on private affairs order in Government letter No. 37568/BPE/2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015 and pass such further or other orders as this Honourable Court.

W.P.No.29281 of 2016 : Directing the respondents, to settle the petitioner retirement dues such as Encashment of unearned leave on private affairs order in Government letter No. 37568/BPE/2006 dated 28.01.2008 and to pay the difference in leave salary after taking into account the Vth Pay Commission with interest of 18% on delayed payment from 23.12.2008 the date of voluntary retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A.(MD).Nos. 383 to 457 of 2015 dated 12.06.2015 and pass such further or other orders as this Honourable Court.

W.P.No.29282 of 2016 : Directing the respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL), Encashment of Leave Salary (ML-98), Provident Fund amount, Pending in service leave salary for 3 years, DA arrears, PF arrears, Encashment of unearned leave on private affairs order in Government letter No. 37568/BPE/2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2016 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A.(MD).Nos. 383 to 457 of 2015 dated 12.06.2015 and pass such further or other orders as this Honourable Court.

W.P.No.29268 of 2016 : Directing the 2nd & 3rd respondents to disburse the retirement benefits viz., pension Computation amount of Rs.3,36,139/-, Earned Leave Surrender Salary of Rs.3,29,216/-, 1998 Settlement Leave Salary amount of Rs.28,806/-, Leave on Private Affairs of Rs.61,728/- and the total comes to Rs.7,55,889/- (Rupees Seven Lakhs Fifty Five thousand Eight Hundred and Eighty Nine only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.12.2013 as Superintendent Staff No.A05029 in the 2nd respondents office.

W.P.No.29269 of 2016 : Directing the 2nd & 3rd respondents to disburse the retirement benefits, viz, pension Computation amount of Rs.3,69,452/-, Earned Leave Surrender Salary of Rs.4,04,072/-, 1998 Settlement Leave Salary amount of Rs.1,94,460/- Leave on Private Affairs of Rs.75,764/- and the total comes to Rs.10,43,748/- (Rupees Ten Lakhs Forty Three thousand Seven Hundred and Forty Eight only) with 18% interest on delayed payment to the petitioner who is retired from service on 30.06.2015 as Senior Superintendent Staff No.A12151 in the 2nd respondents office.

W.P.No.29270 of 2016 : Directing the 2nd respondents to disburse the retirement benefits, viz., Gratuity Difference Amount of Rs.29,224/-, Earned Leave Surrender Salary of Rs.2,98,664/-, 1998 Settlement Leave Salary amount of Rs.92,088/-, Leave on Private Affairs of Rs.55,999/- and the total comes to Rs.4,75,975/- (Rupees Four Lakhs Seventy Five thousand Nine Hundred and Seventy five only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.5.2013 as Superintendent Staff No.A13536 in the 2nd respondents office.

W.P.No.29271 of 2016 : Directing the 2nd respondents to disburse the retirement benefits, viz., Gratuity Difference Amount of Rs.46,630/-, Earned Leave Surrender Salary of Rs.3,50,504/-, 1998 Settlement Leave Salary amount of Rs.2,26,367/- Leave on Private Affairs of Rs.65,719/- and the total comes to Rs.6,89,220/- (Rupees Six Lakhs Eighty Nine thousand Two Hundred and Twenty only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.8.2013 as Superintendent Staff No.A13251 in the 2nd respondents office.

W.P.No.29323 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.07.2012 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29324 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.10.2011 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29325 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.07.2012 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29326 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.04.2013 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29327 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.04.2011 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29328 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.05.2015 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.29329 of 2016 : Directing the respondent to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.06.2016 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.29330 of 2016 : Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.02.2016 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.29331 of 2016 : Directing the respondents to settle all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 01.02.2016 within the time stipulated by this Honourable court and pass such further or other orders as this Honourable Court.

W.P.No.29238 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.3,68,280/- towards gratuity a sum of Rs.68,700/- towards encashment of the earned leave, and a sum of Rs.9,240/- towards arrears of difference in dearness allowance for 11 months prior to his retirement together with interest at the rate of 12%, within a specified time.

W.P.No.29239 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.5 59 020/- towards gratuity a sum of Rs.2,84,649/- towards encashment of the earned leave and a sum of Rs.5,244/- towards arrears of difference in dearness allowance for 12 months prior to the petitioner retirement, a sum of Rs.26,400/- towards arrears of monthly pension from 1.6.2015 to 31.7.2015, a sum of Rs.67,887/- towards medical leave salary for 57 days and a sum of Rs.15,000/- towards balance amount of arrears of difference in wages payable to him as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 31.5.2015, together with interest at the rate of 12% within a specified time.

W.P.No.29334 of 2016 : Directing the respondent to pay the petitioner Rs.6,43,424/- towards Gratuity, Rs.23,535/- towards Leave Salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution Rs. 2,41,861/- for the period from 31.05.15 to 20.06.16 at the rate as per E.P.F. Scheme at the rate of 18% p.a., within a time frame as may be fixed by this Honourable Court.

W.P.No.29335 of 2016 : Directing the respondent to pay the petitioner Rs.5,99,435/- towards Gratuity, Rs.3,80,000/- towards E.P.F., Employees Contributions, Rs.75,293/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29336 of 2016 : Directing the respondent to pay the petitioner Rs.5,52,718/- towards Gratuity, Rs.2,85,283/- towards E.P.F., Employees Contributions, Rs.1,11,510/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29337 of 2016 : Directing the respondent to pay the petitioner Rs.5,30,301/- towards Gratuity, Rs.2,32,483/- towards

E.P.F., Employees Contributions, Rs.74,516/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29338 of 2016 : Directing the respondent to pay the petitioner Rs.9,18,077/- towards Gratuity, Rs.6,29,701/- towards E.P.F., Employees Contributions, Rs.4,44,731/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29339 of 2016 : Directing the respondent to pay the petitioner Rs.6,12,655/- towards Gratuity, Rs.2,45,170/- towards E.P.F., Employees Contributions, Rs.10,577/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29340 of 2016 : Directing the respondent to pay the petitioner Rs.6,29,780/- towards Gratuity, Rs.5,21,888/- towards E.P.F., Employees Contributions, Rs.3,52,348/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29341 of 2016 : Directing the respondent to pay the petitioner Rs.5,86,508/- towards Gratuity, Rs.4,81,783/- towards E.P.F., Employees Contributions, Rs.45,433/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29342 of 2016 : Directing the respondent to pay the petitioner Rs.5,92,942/- towards Gratuity, Rs.3,66,049/- towards E.P.F., Employees Contributions, and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29343 of 2016 : Directing the respondent to pay the petitioner Rs.7,08,034/- towards Gratuity, Rs.9,90,523/- towards E.P.F., Employees Contributions, Rs.20,134/- towards leave salary and also arrears of wages for the period from 01.09.13 to

31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29344 of 2016 : Directing the respondent to pay the petitioner Rs.6,54,917/- towards Gratuity, Rs.3,14,805/- towards E.P.F., Employees Contributions, Rs.11,932/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29345 of 2016 : Directing the respondent to pay the petitioner Rs.5,18,740/- towards Gratuity, Rs.6,19,660/- towards E.P.F., Employees Contributions, Rs.3,24,684/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29346 of 2016 : Directing the respondent to pay the petitioner Rs.6,94,948/- towards Gratuity, Rs.4,68,111/- towards E.P.F., Employees Contributions, Rs.64,004/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29347 of 2016 : Directing the respondent to pay the petitioner Rs.5,94,244/- towards Gratuity, Rs.1,71,260/- towards E.P.F., Employees Contributions, Rs.1,33,515/- towards leave salary and also arrears of wages for the period from 01.09.13 to 31.03.15 payable pursuant to new wage settlement dated 13.04.15, together with 18% interest per annum within a time frame as may be fixed by this Honourable Court.

W.P.No.29349 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.4,61,295/- towards gratuity, a sum of Rs.2,19,024/- towards encashment of the earned leave a sum of Rs.88,218/- towards medical leave which was standing to his credit prior to 1998, a sum of Rs.7,930/- towards arrears of wages payable to him for 10 months from 01.09.2013 to 30.06.2014 and a sum of Rs.9,537/- towards arrears of dearness allowance for 11 months prior to his date of retirement, together with interest at the rate of 12% within a specified time as may be fixed by this Honourable Court.

W.P.No.29350 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.3,78,675/- towards gratuity, a

sum of Rs.1,62,960/- towards encashment of the earned leave, a sum of Rs.44,520/- towards encashment of medical leave which stood to his credit before 1998 and a sum of Rs.4,026/- towards arrears of difference in dearness allowance for 11 months prior to his date of retirement together with interest at the rate of 12% within a specified time as may be fixed by this Honourable Court.

W.P.No.29351 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.4,73,400/- towards gratuity, a sum of Rs.71,516/- towards encashment of the earned leave, a sum of Rs.11,400/- towards arrears of wages payable to him for 8 months from 01.09.2013 to 30.04.2014 and a sum of Rs.4,433/- towards arrears of dearness allowance for 11 months prior to his date of retirement and to revise and pay him pension and commuted value of pension based on the actual salary payable to the petitioner as per the settlement dated 13.04.2015 together with arrears of monthly pension difference in commuted value of pension and 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.29352 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.9,07,712/- towards gratuity a sum of Rs.2,20,784/- towards encashment of the earned leave, a sum of Rs.14,361/- towards arrears of difference in dearness allowance for 11 months prior to his retirement, a sum of Rs.3,99,120/- towards commuted value of pension and a sum of Rs.12,000/- towards arrears of difference in wages payable to him as per the settlement dated 13.04.2015 for the period from 01.09.2013 to 30.04.2015 together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29353 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.6,58,905/- towards gratuity, a sum of Rs.2,56,477/- towards encashment of the earned leave and a sum of Rs.9,930/- towards arrears difference in dearness allowance, a sum of Rs 28,850/- towards arrears of monthly pension and a sum of Rs.5,000/- towards balance of arrears of difference in wages payable to him as per the settlement dated 13.04.2015 together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29354 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.6,18,240/- towards gratuity, a sum of Rs.3,504/- towards encashment of earned leave, a sum of Rs.15,238/- towards balance of arrears of difference in wages payable to him as per the settlement dated 13.4.2015 and a sum

of Rs.2,54,344/- towards commuted value of pension together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29355 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.6,38,455/- towards gratuity, a sum of Rs.76,136/- towards encashment of earned leave, a sum of Rs.11,066/- towards arrears of difference in dearness allowance, a sum of Rs.29,328/- towards arrears of monthly pension and a sum of Rs.5,000/- towards balance of arrears of difference in wages payable to him as per the settlement dated 13.4.2015, together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29356 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.5,46,048/- towards gratuity, a sum of Rs.97,440/- towards encashment of the earned leave and a sum of Rs.5,236/- towards arrears of difference in dearness allowance for 11 months prior to his retirement, a sum of Rs.40,068/- towards arrears of monthly pension from 1.5.2015 to 30.7.2015 and the balance of arrears of difference in wages payable to him as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 30.4.2015, together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29357 of 2016 : Directing the respondents to pay the petitioner forthwith a sum of Rs.5,70,720/- towards gratuity a sum of Rs.2,30,104/- towards encashment of the earned leave and a sum of Rs.5,291/- towards arrears of difference in dearness allowance for 11 months prior to his retirement, a sum of Rs.43,473/- towards arrears of monthly pension from 1.5.2015 to 30.7.2015 and the arrears of difference in wages payable to him as per the settlement dated 13.4.2015 for the period from 1.9.2013 to 30.4.2015 together with interest at the rate of 12%, within a specified time as may be fixed by this Honourable Court.

W.P.No.29213 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment and all other Retirement Benefits by calculating DA Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.01.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.29214 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment and all other Retirement Benefits by calculating DA Eligible as per newly implemented scheme with interest at 12%

per annum with effect from 01.01.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.29215 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment and all other Retirement Benefits by calculating DA 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.

W.P.No.29216 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Pension Commutation, Leave Encashment and all other Retirement Benefits by calculating DA Eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.07.2015 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner in : Mr.L.Chandrakumar
WPs.29199 to 29204 of 2016

For Petitioner in : Mr.M.Selvam
WP.29230 of 2016

For Petitioner in : Mr.V.S.Jagadeesan
WP.29280 of 2016

For Petitioner in : Mr.D.Veerasekaran
WPs.29268 to 29271 of 2016

For Petitioner in : Mr.R.Krishnaswamy
WPs.29238 & 29239 of 2016

For Petitioner in : Mr.V.Ajay Khose
WPs.29334 to 29347 of 2016

For Petitioner in : Mr.R.Krishnaswamy
WPs.29349 to 29357 of 2016

For Petitioner in : Mr.J.Pradeep
WPs.29213 to 29216 of 2016

For Petitioner in : Mr.A.Selvaraju
WPs.29323 to 29331 of 2016

For Respondent No.1 in : Mr.V.Ananthamurthy
WPs.29199 to 29204 of 2016 Additional Government Pleader

For Respondent No.2 in : Mr.P.Kannankumar
WPs.29199 to 29204 of 2016 Standing Counsel

For Respondent in : Mr.S.Sairaman,
WP.29230 of 2016 Standing Counsel

For Respondent in : Mr.K.V.Dhananpal
WPs.29280 to 28282, Special Government Pleader
29268 to 29271 of 2016

For Respondent in : Mr.S.Sairaman
WPs.29280 to 29282 of 2016

For Respondent in : Mr.P.Kannankumar for R2 & R3
WPs.29268 to 29271 of 2016

For Respondent in : Mr.P.Kannankumar
WPs.29238 & 29239 of 2016

For Respondent in : Mr.S.Sairaman,
WPs.29334 to 29347, Standing Counsel
29213 to 29216 of 2016

For Respondent in : Mr.P.Kannankumar,
WPs.29349 to 29357 of 2016 Senior Counsel

For Respondent in : Mr.P.Paramasivados
WPs.29323 to 29327 of 2016 Standing Counsel

For Respondent 1 in : Mr.P.Paramasivados
WPs.29328 to 29331 of 2016 Standing Counsel

For Respondent 2 in : Mr.P.Kannankumar
WPs.29328 to 29331 of 2016

C O M M O N O R D E R

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, 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 V)

//True Copy//

Sub Assistant Registrar

sri

To

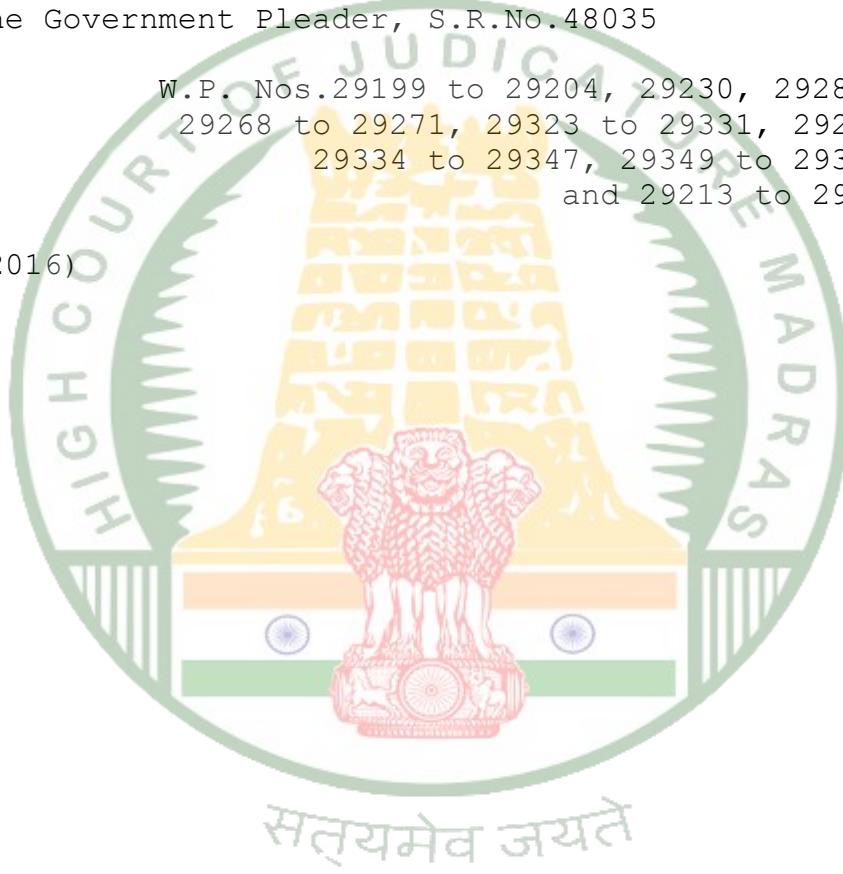
1. The Principal Secretary,
State of Tamil Nadu,
Transport Department,
Fort St.George, Chennai - 600 009.
2. The Managing Director,
State Express Transport Corporation [TN] Ltd.,
Chennai - 600 002.
3. The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Limited Vazhuthareddy
Villupuram-605 602
4. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Kancheepuram Region
Kancheepuram
5. The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy-Post
Villupuram-605 602
6. The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-600 002.
7. The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No.37 Mettupalayam Road
Coimbatore-641 043

8. The Financial Advisor
and Chief Accounts Officer
Tamil Nadu State Transport Corporation (CBE) Ltd
Head Office No.37 Mettupalayam Road
Coimbatore-641 043.
9. The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Road
Salem-636 007.
10. The Administrator
Tamil Nadu State Transport Corporation (Salem) Limited
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House Pallavan Salai
Chennai-600 002.
11. The Managing Director
Metropolitan Transport Corporation (Chennai)
Ltd. Pallavan House
Anna Salai Chennai-2
12. The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd.
Cuddalore Region Cuddalore Depot I
Cuddalore 607 001.
13. The Administrator,
Tamilnadu State Transport Corporation's
Employees' Pension Trust,
Thiruvalluvar Illam, Anna Salai,
Chennai 600 002.
14. The Managing Director,
Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.,
Coimbatore.
15. The Managing Director,
Management of Tamilnadu
State Transport Corporation (Kovai) Ltd.,
Erode Region, Erode.
16. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd Rangapuram
Vellore Region Vellore.

+9cc's to Mr.A.Selvaraju, Advocate, S.R.No.47817
+7cc's to Mr.P.Kannankumar, Advocate, S.R.No.47779
+1cc to Mr.M.Selvam, Advocate, S.R.No.47912
+2cc's to Mr.S.Sairaman, Advocate, S.R.No.48104
+3cc's to Mr.V.Ajay Khose, Advocate, S.R.Nos.47776 to 47778
+4cc's to Mr.J.Pradeep, Advocate, S.R.No.48079
+1cc to Mr.P.Paramasivadosh, Advocate, S.R.No.48293
+6cc's to Mr.L.Chandrakumar, Advocate, S.R.No.48247
+4cc's to Mr.D.Veerasekaran, Advocate, S.R.No.47783 to 47786
+3cc's to Mr.V.Jagadeesan, Advocate, S.R.No.47877
+1cc to the Government Pleader, S.R.No.48035

W.P. Nos.29199 to 29204, 29230, 29280 to 29282,
29268 to 29271, 29323 to 29331, 29238 & 29239,
29334 to 29347, 29349 to 29357 of 2016
and 29213 to 29216 of 2016

SR(CO)
CA(17/10/2016)



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