

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.29457 to 29460, 29473 to 29475,29517 to 29523 and
29524 to 29531 of 2016
[22 cases]

A.RAJENDRAN ...PETITIONER in WP.29457 of 2016
MR.C.PANEER SELVAM ...PETITIONER in WP.29458 of 2016
MR.G.SIVAKUMAR ...PETITIONER in WP.29459 of 2016
MR.D.LOGANATHAN ...PETITIONER in WP.29460 of 2016
K.SHANMUGAMOORTHY ...PETITIONER in WP.29473 of 2016
E.P.SHANMUGAM ...PETITIONER in WP.29474 of 2016
R.SADASIVAM ...PETITIONER in WP.29475 of 2016
R.MAYANDI (STAFF NO.CR09224) ...PETITIONER in WP.29517 of 2016
A.SENGAN (STAFF NO.DR3469) ...PETITIONER in WP.29518 of 2016
S.SOMASUNDARAM (STAFF NO.AS0178) ...PETITIONER in WP.29519 of 2016
R.RANGANATHAN (STAFF NO.CR1977) ...PETITIONER in WP.29520 of 2016
R.ELANGO VAN (STAFF NO. TR 0391) ...PETITIONER in WP.29521 of 2016
K.RAJARATHINAM (STAFF NO.61082) ...PETITIONER in WP.29522 of 2016
G.SEKAR (STAFF NO.CR2443) ...PETITIONER in WP.29523 of 2016
D.PURUSHOTHAMAN ...PETITIONER in WP.29524 of 2016
K.RAVICHANDRAN (PR NO. 12988) ...PETITIONER in WP.29525 of 2016
S.KITTUSWAMY (PR NO. 10333) ...PETITIONER in WP.29526 of 2016
R. BOOBATHI (PR NO. 9910) ...PETITIONER in WP.29527 of 2016

C.P.ADHITHYA (PR NO.14582) ...PETITIONER in WP.29528 of 2016
R.DURAISAMY (PR NO. 11169) ...PETITIONER in WP.29529 of 2016
N.NATARAJAN (PR NO.14518) ...PETITIONER in WP.29530 of 2016
C.MANICKAM (PR NO.7993) ...PETITIONER in WP.29531 of 2016

Vs.

THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY,
TRANSPORT DEPARTMENT,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI-600 009.1ST RESPONDENT IN WPS.29457
to 29460 of 2016

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (CBE) LTD.,
HEAD OFFICE, NO.37, METTUPALAYAM ROAD,
COIMBATORE-641 043.RESPONDENT IN WPS.29457,
29473 to 29475, 29524 to 29531 of 2016

THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (VPM) LTD
NO.12 RAMAKRISHNA ROAD SALEM.RESPONDENT in WPs.29458
& 29459 of 2016

THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALLUVAR HOUSE
PALLAVAN SALAI CHENNAI-2.RESPONDENT in WPS.29459 & 29560,
29519 to 29523 & 29528 of 2016

THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (VPM) LTD
3/137 SALAMEDU VALUTHAREDDY POST
VILLUPURAM-605 602.RESPONDENT in WPs.29517 to 29523 of 2016

THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
TIRUVANNAMALAI REGION TIRUVANNAMALAI
...RESPONDENT in WP.29517 of 2016

THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
VELLORE REGION VELLORE

...RESPONDENT in WP.29517 &
29518 of 2016

THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
CUDDALORE REGION CUDDALORE.

...RESPONDENT in WPs.29520 to
29523 of 2016

THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
KANCHEEPURAM REGION KANCHEEPURAM

...RESPONDENT in WP.29522 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.29457 of 2016 : Directing the respondents to pay the Gratuity, Encashment of Leave Salary (EL) (149 days), pending in Service Leave Salary (45 days), Encashment of Leave Salary (ML-98), (65 days), Settlement benefits-2013, PF Amount Subscription amount of Engineering College and Medical College, after duly taken into account the enhanced Dearness Allowance with interest of 18% on delayed payment from 31.5.2016 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 12.6.2015.

W.P No.29458 of 2016 : Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave Salary (EL) and ML- (98), pending in service Leave Salary for 5 years, DA Arrears, PF Arrears, Reimbursement of Medical College and Engineering College amount, settlement benefits, Social Security Scheme and other eligible terminal benefits with interest of 18% on delayed payment from 30.4.2016 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 12.6.2015.

W.P No.29459 of 2016 : Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity, Commutation of pension, Encashment of Leave Salary (EL), pending

in service Leave Salary for the year 2013-14, 2014-15 (30 days), DA Arrears, PF Arrears, Reimbursement of Medical College and Engineering College amount, settlement benefits, and other eligible terminal benefits with interest of 18% on delayed payment from 31.5.2016 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 12.6.2015.

W.P No.29460 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), Commutation of Pension, pending in service Leave Salary for the year 2013-14, 2014-15 (30 days), DA Arrears, PF Arrears, Social Security Scheme, subscription amount of Engineering College and Medical College, Encashment of unearned Leave on Private Affairs order in Government Letter No.37568/ BPE/2006 dated 28.1.2008 and other eligible terminal benefits with interest of 18% on delayed payment from 31.7.2016 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.

W.P No.29473 of 2016 : Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity sum of Rs.5,94,286/- + Leave Encashment (EL) sum of Rs.1,97,505/- + Leave surrender sum of Rs.84,201/- = Totally sum of Rs.8,75,991/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.02.2014 to till the date of disbursement of the terminal benefits to the petitioner.

W.P No.29474 of 2016 : Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity sum of Rs.5,38,431/- Leave Encashment (EL) sum of Rs.2,13,224/- + leave surrender sum of Rs.86,063/- = Totally sum of Rs.8,37,718/- and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.06.2014 to till the date of disbursement of the terminal benefits to the petitioner.

W.P No.29475 of 2016 : Directing the respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.4,31,076/- + Leave Encashment (EL) sum of Rs.20,710/- + 44,181/- = Totally Rs.4,95,967 + arrears of amounts as per 12(3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.01.2014 and other benefits and enhanced dearness allowances along with 18% interest on

delayed payment from 01.02.2014 to till the date of disbursement of the terminal benefits to the petitioner.

W.P Nos.29517 & 29518 of 2016 : Directing the respondents to disburse the payment relating to Gratuity by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.06.2013 within stipulated time as may be fixed by this Honourable Court.

W.P No.29519 of 2016 : Directing the respondents to disburse the payment relating to Gratuity, unearned Leave of Private Affairs, Dearness Allowance arrears and ERBS Pension by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.10.2012 within stipulated time as may be fixed by this Honourable Court.

W.P No.29520 of 2016 : Directing the respondents to disburse the payment relating to Gratuity, Pension Communication, Dearness Allowance arrears, Unavailed Portion Leave Salary, Settlement arrears and ERBS Pension by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.12.2015 within stipulated time as may be fixed by this Honourable Court.

W.P No.29521 of 2016 : Directing the respondents to disburse the payment relating to Gratuity, Dearness Allowance arrears and ERBS Pension by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.02.2013 within stipulated time as may be fixed by this Honourable Court.

W.P No.29522 of 2016 : Directing the respondents to disburse the payment relating to Gratuity, Pension Commutation, Leave Encashment (Earned & Medical Leave) by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.06.2016 within stipulated time as may be fixed by this Honourable Court.

W.P No.29523 of 2016 : Directing the respondents to disburse the payment relating to Gratuity, Pension Communication, Dearness Allowance arrears, Unavailed portion Leave Salary, Settlement arrears and ERBS Pension by calculating D.A. eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.12.2015 within stipulated time as may be fixed by this Honourable Court.

COMMON PRAYER for W.P Nos.29524 to 29531 of 2016 : Directing the respondent to pay the petitioner all his retirement benefits including Provident Fund, Gratuity and all other benefits with

interest at the rate of 18% per annum within the time frame that may be stipulated by this Honourable Court and to grant him the interest at the rate of 18% per annum for the belated settlement by his eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Honourable court.

W.P.Nos.29457 to 29460 of 2016

For Petitioners : Mr.V.S.Jagadeesan

For Respondents : Mr.R.Venkatesh
Government Advocate for R1
Mr.P.Kannan Kumar
Standing Counsel for R2 & R3

W.P.Nos.29473 to 29475 of 2016

For Petitioners : M/s.R.Y.George Williams

For Respondent : Mr.S.Sairaman
Standing Counsel for Respondent

W.P.Nos.29517 to 29523 of 2016

For Petitioners : M/s.J.Pradeep

For Respondents : Mr.P.Kannan Kumar
Standing Counsel for R1 to R3

W.P.Nos.29524 to 29531 of 2016

For Petitioners : M/s.A.Rajendran

For Respondent : Mr.S.Sairaman
Standing Counsel for R1

R2 - No Appearance
in WP.29528 of 2016

WEB COPY
COMMON ORDER

Inasmuch as the issue raised in all these writ petitions are one and the same, viz., seeking a direction to the respondent-Transport Corporation to disburse the terminal benefits of the petitioners, all these petitions are taken up together and disposed of by this common order.

2. The grievance of the petitioners is that even though they have retired from the services of the respondent- Transport Corporation two or three years ago, till date their terminal benefits have not been settled. In this regard, they have also submitted representation to the respective Transport Corporations. Since there was no response, they are before this Court by way of these writ petitions.

3. When the matter is taken up today for hearing, 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 respondent-Transport Corporation undertook to pay the amount due and payable in twelve equal monthly instalments. They would further submit that following the same, this Court has passed similar orders in several writ petitions. Accordingly, they would pray that a similar order may be passed in these writ petitions also.

4. Heard the learned counsel for the respective petitioners; Mr.R.Venkatesh, learned Government Advocate appearing on behalf of the State; Mr.S.Sairaman and Mr.P.Kannan Kumar learned Standing Counsel for the respective respondent-Transport corporation, who took notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and in view of the earlier orders passed by this Court in similar circumstances, without going into the merits of the matter, the respective respondent-Transport Corporation is directed to disburse the terminal benefits to each of 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 dated 12.06.2015. It is also made clear that the first instalment shall commence from 10.11.2016.

6. With the above direction, all these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. THE PRINCIPAL SECRETARY,
GOVERNMENT OF TAMIL NADU
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 MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (VPM) LTD
NO.12 RAMAKRISHNA ROAD SALEM.
4. THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
PENSION FUND TRUST THIRUVALLUVAR HOUSE
PALLAVAN SALAI CHENNAI-2.
5. THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION (VPM) LTD
3/137 SALAMEDU VALUTHAREDDY POST
VILLUPURAM-605 602.
6. THE GENERAL MANAGER
TAMIL NADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
KANCHEEPURAM REGION KANCHEEPURAM
7. THE ADMINISTRATOR
TAMIL NADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND SCHEME
THIRUVALLUVAR HOUSE
PALLAVAN SALAI CHENNAI-2.

+4cc's to Mr.V.S.Jagadeesan, Advocate, S.R.No.48010
+1cc to Mr.A.Rajendiran, Advocate, S.R.No.48011
+3cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.48794
+1cc to Mr.S.Sairaman, Advocate, S.R.No.48106
+7cc's to Mr.J.Pradeep, Advocate, S.R.No.48078
+1cc to the Government Pleader, S.R.No.48302

W.P.Nos.29457 to 29460, 29473 to
29475, 29517 to 29523
and 29524 to 29531 of 2016

CTR(CO)
CA(21/09/2016)