

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos. 29639 to 29647 of 2016,
29648 to 29654 of 2016,
29655 of 2016, 29656 of 2016,
29657 of 2016, 29693 of 2016
and
29709 to 29714 of 2016

R.Jagadeesan, Staff No.61070 .. Petitioner in WP.29639/16
A.Moorthy, Staff No.41371 .. Petitioner in WP.29640/16
T.Villalan, Staff No.13707 .. Petitioner in WP.29641/16
R.Saravanabavan, Staff No.12611.. Petitioner in WP.29642/16
N.Kumar, Staff No.41676 .. Petitioner in WP.29643/16
S.Mani, Staff No.13750 .. Petitioner in WP.29644/16
V.Kanniappan, Staff No.21030 .. Petitioner in WP.29645/16
M.P.Damodaran, Staff No.41709 .. Petitioner in WP.29646/16
M.Elango, Staff No.61001 .. Petitioner in WP.29647/16
V.Rajendran, Staff No.13628 .. Petitioner in WP.29648/16
S.Chandrakumar, Staff No.13642 .. Petitioner in WP.29649/16
N.Gopi, Staff No.13856 .. Petitioner in WP.29650/16
K.Panneer Selvam, Staff No.13684.. Petitioner in WP.29651/16
P.Annamalai, staff No.61053 .. Petitioner in WP.29652/16
S.Arumugam, Staff No.17539 .. Petitioner in WP.29653/16
A.Soundararajan, Staff No.13691.. Petitioner in WP.29654/16
R.Mani, Staff No.41154 .. Petitioner in WP.29655/16
G.Thiyagarajan, Staff No.DR2241.. Petitioner in WP.29656/16
S.Mookkan, Staff No.CR2196 .. Petitioner in WP.29657/16
C.Manoharan, .. Petitioner in WP.29693/16
K.Soundararajan .. Petitioner in WP.29709/16
K.Moorthy .. Petitioner in WP.29710/16
R.Ramamoorthy .. Petitioner in WP.29711/16
G.Gunasekaran .. Petitioner in WP.29712/16
N.V.LIngan .. Petitioner in WP.29713/16
P.Raju .. Petitioner in WP.29714/16

Vs.

1.The Managing Director

Tamil Nadu State Transport

Corporation (Villupuram) Limited

Vazhuthareddy

Villupuram-605 602.

..1st Respondent in WP.29639/16 to
29657/16

- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram. .2nd Respondent in WP.29639 to
29655/16
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002. .3rd Respondents in WP.29639 to
29645, 29647, 29655 to 29657/16, 4th
Respondent in WP.29646/16
- 4.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Thiruvannamalai Region,
Thiruvannamalai. .3rd Respondent in WP.29646/16
- 5.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region, Cuddalore...2nd Respondent in WP.29656, 657/16
- 6.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Road, Salem.
- 7.M/s.Tamilnadu State Transport Corporation
(Villupuram) Ltd., rep by
its Managing Director,
Trichy Road, Villupuram...Respondent in WP.29709 to 29714/16

WP.No.29639/16:

These Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, Leave Surrender (EL & ML), DA Arrears, I.R.T. Amount, Settlement Arrears and Employees Welfare Fund etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently, to direct 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., 31.12.2013 to till date of actual payment to the petitioner.

WP.No.29640/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) IRT Amount DA Arrears and Settlement Arrears 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. 31.7.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29641/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) DA Arrears and Settlement Arrears 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. 31.6.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29642/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (EL & ML) IRT Amount DA Arrears 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. 31.5.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29643/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) IRT Amount DA Arrears Settlement Arrears and Pension Arrears 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. 31.5.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29644/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) DA Arrears and Settlement Arrears 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. 30.06.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29645/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation IRT Amount DA arrears and Settlement Arrears 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. 31.03.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29646/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) IRT Amount DA arrears settlement arrears and bonus arrears 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. 29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29647/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation DA Arrears and Settlement Arrears 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. 30.04.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29648/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.8.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29649/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.8.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29650/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.8.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29651/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.8.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29652/16: Directing the respondents to settle the petitioners 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. 28.2.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29653/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.12.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29654/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity and Settlement arrears 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. 31.1.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29655/16: Directing the respondents to settle the petitioners retirement benefits including Gratuity Commutation Leave Surrender (EL) IRT amount settlement arrears and DA arrears 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. 30.4.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

WP.No.29656/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation and EL Surrender 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. 31.1.2016 to till date of actual payment to the petitioner with in the time that may be stipulated by this Honourable Court.

WP.No.29657/16: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender Settlement Arrears Pension Arrears and DA Arrears 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. 31.8.2014 to till date of actual payment to the petitioner with in the time that may be stipulated by this Honourable Court.

WP.No.29693/16: Direction in the nature of writ to consider the petitioners representation dated 28.06.2016 for settlement of all the terminal benefits due and payable to the petitioner with interest at 12% per annum with effect from 30.04.2016 within the time to be stipulated by this Honourable Court.

WP.29709/16: directing the respondent to settle the terminal benefits of the petitioner of Commutation Amount of Rs.3 00 000/- Gratuity Amount of Rs.6 00 000/- Earned Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic Deposit Amount of Rs.5 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Leave on Private Affairs Amount of Rs.1 50 000/- altogether a sum of Rs.14 65 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 25.7.2016.

WP.29710/16: directing the respondent to settle the terminal benefits of the petitioner of Gratuity Amount of Rs.6 00 000/- Earned Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic Deposit Amount of Rs.5 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Leave on Private Affairs Amount of Rs.1 50 000/- altogether a sum of Rs.11 65 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 25.7.2016.

WP.No.29711/16: directing the respondent to settle the terminal benefits of the petitioner of Commutation Amount of Rs.3 00 000/- Gratuity Amount of Rs.6 00 000/- Earned Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic Deposit Amount of Rs.5 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Leave on Private Affairs Amount of Rs.1 50 000/- altogether a sum of Rs.14 65 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 25.7.2016.

WP.No.29712/16: directing the respondent to settle the terminal benefits of the petitioner of Gratuity Amount of Rs.6 00 000/- Earned Leave and Medical Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Erode Engineering College Medical College and Polytechnic Deposit Amount of Rs.5 000/- altogether a sum of Rs.10 15 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 11.8.2016.

WP.No.29713/16: directing the respondent to settle the terminal benefits of the petitioner of Commutation Amount of Rs.3 00 000/- Gratuity Amount of Rs.6 00 000/- Earned Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic Deposit Amount of Rs.5 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Leave on Private Affairs Amount of Rs.1 50 000/- altogether a sum of Rs.14 65 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 25.7.2016.

WP.29714/16: directing the respondent to settle the terminal benefits of the petitioner of Commutation Amount of Rs.3 00 000/- Gratuity Amount of Rs.6 00 000/- Earned Leave Surrender Amount of Rs.3 50 000/- Social Security Scheme Amount of Rs.30 000/- Erode Engineering College Perundurai Medical College and Polytechnic Deposit Amount of Rs.5 000/- Post Retirement Benefit Fund Amount of Rs.30 000/- and Leave on Private Affairs Amount of Rs.1 50 000/- altogether a sum of Rs.14 65 000/-with interest at the rate of 6% per annum taking into consideration of the representation of the petitioner dt 25.7.2016.

For Petitioner : Mr.M.Selvam in WP.29639 to 29647 and 29648/16 to 29654/16, 29655, 29656 and 29657/16

Mr.R.Bharathkumar, in WP.29693/16

Mr.D.Soundarraaj in WP.29709 to 29714/16

For Respondent : Mr.S.Sairaman in WP.29639 to 29647/16 and WP.29648 to 29654/16 and 29655, 29656/16 and WP.29657, and 29709 to 296714/16.

Mr.P.Paramasivadosh in WP.29693/16.

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 Transport Corporation, 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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1.The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Vazhuthareddy
Villupuram-605 602.
- 2.The General Manager
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Kancheepuram Region
Kancheepuram.
- 3.The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House
Pallavan Salai
Chennai-600 002.
- 4.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Thiruvannamalai Region,
Thiruvannamalai.
- 5.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited
Cuddalore Region, Cuddalore.

6.The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited
No.12, Ramakrishna Road, Salem.

7.M/s.Tamilnadu State Transport Corporation
(Villupuram) Ltd.,rep by
its Managing Director,
Trichy Road, Villupuram.

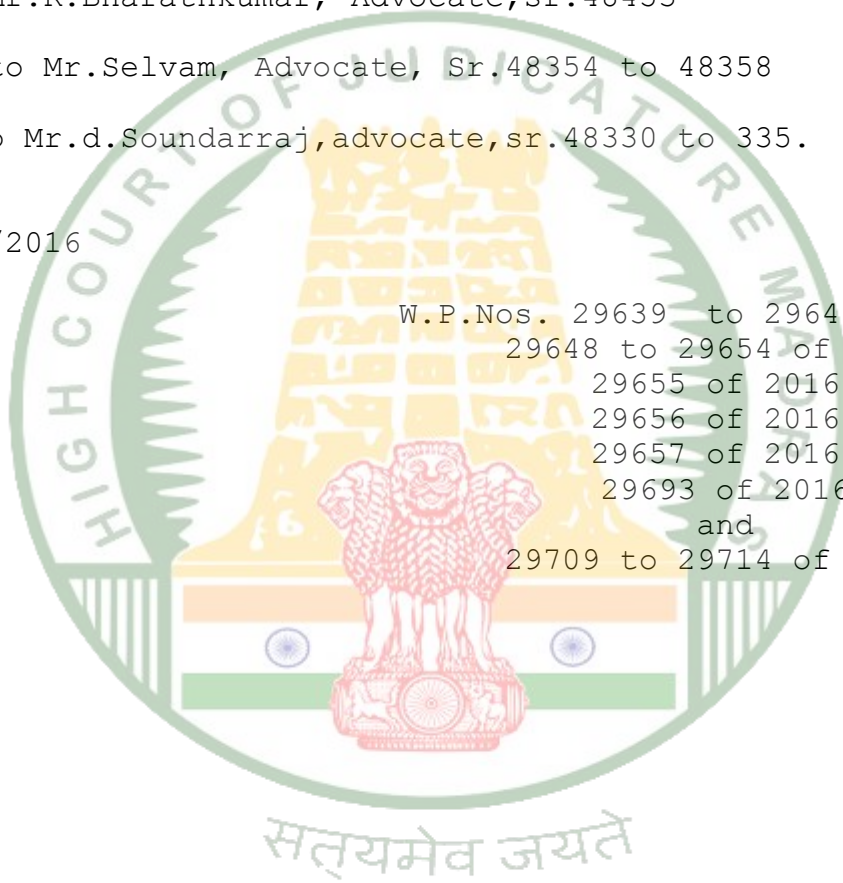
+1 cc to Mr.R.Bharathkumar, Advocate,sr.48453

+19 cc's to Mr.Selvam, Advocate, Sr.48354 to 48358

+6 cc's to Mr.d.Soundarraaj,advocate,sr.48330 to 335.

scd(co)
krd 22/10/2016

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