

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.30011, 30018, 30025, 30026,
30047 and 30143 of 2016
[6 cases]

M.TAMILARASU ... PETITIONER in WP No.30011 of 2016
S.PANNEERSELVAM ... PETITIONER in WP No.30018 of 2016
M.S.RAJALAKSHMI ... PETITIONER in WP No.30025 of 2016
G.GNANASELVAM ... PETITIONER in WP No.30026 of 2016
M.ATHIYAPPAN ... PETITIONER in WP No.30047 of 2016
K.SHANMUGAM ... PETITIONER in WP No.30143 of 2016

vs

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

... Sole RESPONDENT in WP No.30011 of 2016

1. STATE EXPRESS TRANSPORT CORPORATION
REP.BY ITS MANAGING DIRECTOR
THIRUVALLURVAR ILLAM, PALLAVAN SALAI,
CHENNAI 2.

2. THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST THIRUVALLURVAR ILLAM
PALLAVAN SALAI,
CHENNAI 2.

... Respondent 1&2 in WP 30018/2016

3. THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
VAZHUTHAREDDY
VILLUPURAM.

.. 1st Respondent in WP 30025 & 30026/
2016

- 3a. THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATIONS
(VILLUPURAM) LIMITED, KANCHEEPURAM REGION,
KANCHEEPURAM .. 2nd Respondent in WP 30025/2016.
4. THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATIONS
(VILLUPURAM) LIMITED, CUDDALORE REGION
CUDDALORE .. 2nd Respondent in WP 30026/2016.
5. THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME, THIRUVALLUVAR HOUSE, PALLAVAN SALAI,
CHENNAI 600 002. ... 3RD Respondent in WP 30026/2016
6. THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(SALEM) LIMITED, 12, RAMAKRISHNA SALAI
SALEM 636 007 .. Sole Respondent in WP 30047/2016
7. THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE DIVISION) LTD
37M METTUPALAYAM ROAD,
COIMBATORE 641 043. ... Sole Respondent in WP 30143/2016

No.30011 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the Respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.5,99,838/- + Leave Encashment (EL) of 45+80 = 125 days + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 30.11.2014 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.12.2014 to till the date of disbursement of the terminal benefits to the petitioner

WP No.30018 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents to pay and settle the petitioner forthwith a sum of Rs.18,90,240/- as per the order in C.P. No.342 of 2014; a sum of Rs.55,628/- towards difference in wages for the period from July 2014 to September 2014; a sum of Rs.13,856/- towards Earned Wages for the period from 21.5.2016 to 31.5.2016; a sum of Rs.5,66,206/- towards Gratuity; a sum of Rs.23,369/- towards Earned Leave Salary; a sum of Rs.28,000/- towards unpaid

difference in bonus and bonus for the years 2014-2015, 2015-2016 and for 2 months from 1.4.2016 to 31.5.2016; Employees Contributions of P.F. from the date of appointment to the date of the petitioner Superannuation; monthly pension payable under the Post Retirement scheme, the amounts payable under social security scheme, the IRT contributor and the monthly pension payable under TNSTCE pension scheme for the petitioner entire service from the date of the petitioner appointment to the date of the petitioner superannuation with arrear after adjusting the monthly pension paid to the petitioner for June 2016 together with interest at the rate of per annum.

WP No.30025 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct 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., 31.12.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP No.30026 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondents to settle the petitioner retirement benefits including Gratuity, Commutation, Leave Surrender (EL), Pension arrears and IRT amount 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.30047 of 2016

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, to direct the respondent to pay the retirement benefits such as Provident Fund, Gratuity, Labour Welfare Fund, IRT share, the benefits of Earned and unearned leave and other retirement benefits payable

to the petitioner with interest at the rate of 12% from the date of retirement

WP No.30143 of 2016

Writ petition filed under Article 226 of the constitution of India praying for the issue of the mandamus to direct the Respondent to settle the entire retirement benefits of the petitioner i.e. Gratuity amount of Rs.7,25,514/- + leave Encashment (EL) sum of Rs. 2,61,820/- + Provident fund with interest amount of Rs.2,14,476/- + Social Security Scheme amount of Rs.46,000/- + medical College fund Rs.4,360/- = Totally Rs.12,52,170/- + arrears of amounts as per 12 (3) settlement with effect from 01.09.2013 to till the date of retirement i.e. 31.05.2015 and other benefits and enhanced dearness allowances along with 18% interest on delayed payment from 01.06.2015 to till the date of disbursement of the terminal benefits to the petitioner.

For Petitioners : M/s.R.Y.George Williams
in W.P.Nos.30011 and 30143 of 2016

: M/s.V.Ajoy Khose
in W.P.No.30018 of 2016
Mr.M.Selvam
in W.P.Nos.30025 and 30026 of 2016
Mr.A.Nagarathinam
in W.P.No.30047 of 2016

For Respondents: Mr.S.Sairaman,
Standing Counsel for Transport
Corporation in W.P.Nos.30011, 30025,
30026 of 2016

सतरायेसु कुमार
Mr.P.Kannan Kumar
Standing Counsel for Transport
Corporation in W.P.Nos.30018 and
30143 of 2016

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Mr.P.Paramasivadoss
Standing Counsel for Transport
Corporation in W.P.No.30047 of 2016

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.S.Sairaman, Mr.P.Kannan Kumar and Mr.P.Paramasivadosh 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 15.12.2016.

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

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. THE MANAGING DIRECTOR
STATE EXPRESS TRANSPORT CORPORATION
THIRUVALLUVAR ILLAM, PALLAVAN SALAI,
CHENNAI 2.

2. THE ADMINISTRATOR
TAMILNADU STATE TRANSPORT CORPORATION
EMPLOYEES PENSION FUND TRUST THIRUVALLURVAR ILLAM
PALLAVAN SALAI,
CHENNAI 2.

3. THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(VILLUPURAM) LIMITED
VAZHUTHAREDDY, VILLUPURAM 605 602.

3a. THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATIONs
(VILLUPURAM) LIMITED, KANCHEEPURAM REGION,
KANCHEEPURAM

4. THE GENERAL MANAGER
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(VILLUPURAM) LIMITED
CUDDALORE REGION
CUDDALORE

5. THE ADMINISTRATOR
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EMPLOYEES POST RETIREMENT WELFARE FUND
SCHEME, THIRUVALLUVAR HOUSE,
PALLAVAN SALAI,
CHENNAI 600 002.

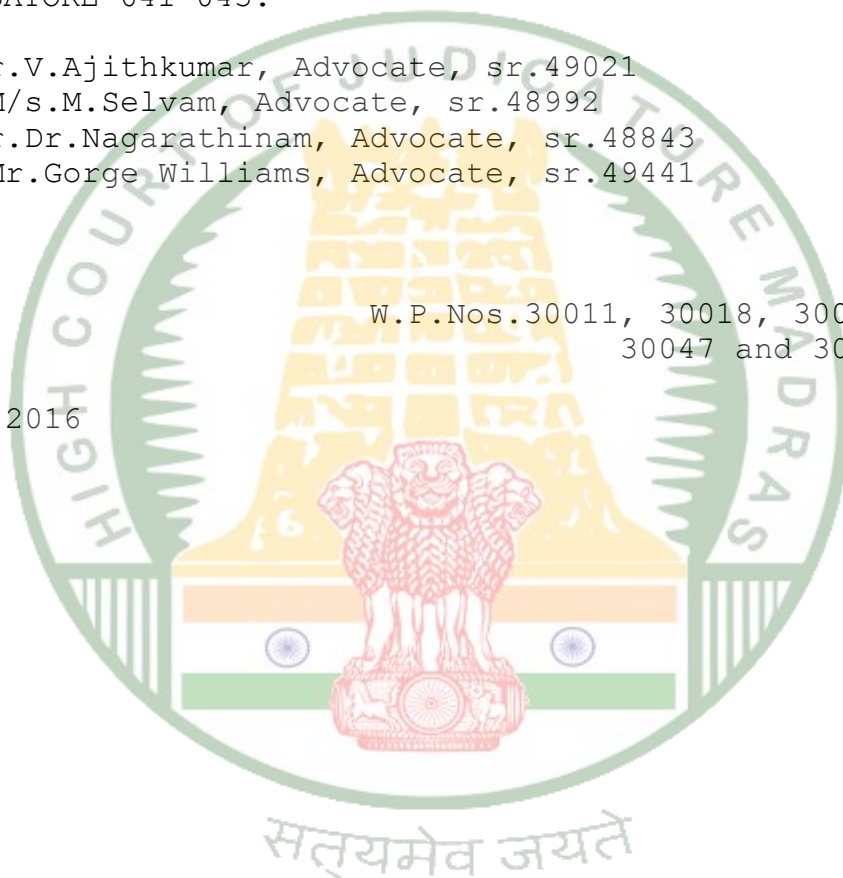
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12, RAMAKRISHNA SALAI
SALEM 636 007

7. THE MANAGING DIRECTOR
TAMILNADU STATE TRANSPORT CORPORATION
(COIMBATORE DIVISION) LTD
37M METTUPALAYAM ROAD,
COIMBATORE 641 043.

1 cc to Mr.V.Ajithkumar, Advocate, sr.49021
2 ccs to M/s.M.Selvam, Advocate, sr.48992
1 cc to Mr.Dr.Nagarathinam, Advocate, sr.48843
2 ccs to Mr.Gorge Williams, Advocate, sr.49441

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cnr co
kra 22.09.2016



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