

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.08.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos. 30222 of 2016; 30249 to 30251 of 2016; 30255 of 2016
and 30344 to 30352 of 2016

M.Palanisamy ..Petitioner in W.P.No.30222/2016

Vs.

The Managing Director,
Tamilnadu State Transport Corporation,
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 603

..Respondent in W.P.No.30222 of 2016

W.P.No.30222 of 2016 : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to settle the entire retirement benefits of the petitioner i.e., Gratuity amount of Rs.7,23,000+ provident fund (PF) with interest of Rs.2,03,788 + Social Security Scheme (SSS) of Rs.46,000/- + All Colleges Fund of Rs.4,000/- + Commutation Fund of Rs.3,00,000/- + Dearness Allowance for 19 months, totally sum of Rs.12,77,288/- + 19 months of Dearness Allowance + arrears of amounts as per 12(3) Settlement with effect from 01.09.2013 to till the date of retirement i.e., 31.08.2015 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 terminal benefits to the petitioner.

W.P.NO.30249 of 2016:

M.Krishnan
S/o.Muthu Koodalur (Po)
Magudanjavadi
(Via) Sangakiri (Tk)
Salem District-636 103

[PETITIONER]

Vs

- 1 The Tamil Nadu State Transport Corporation (Salem) Ltd
Rep by its Managing Director 12 Ramakrishna Road Salem-7
- 2 The General Manager
The Tamil Nadu State Transport Corporation
(Salem) Ltd Salem Region
12 Ramakrishna Road Salem-7
- 3 The Administrator
TNSTC Pension Trust
Thiruvalluvar Illam
Pallavan Salai Chennai-600 002 [RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Provident Fund Gratuity Commutation Earned Leave Wages Employees Welfare Fund IRT Share amount and Dearness Allowance Payable to him along with monthly pension with reasonable rate of interest within the time that may be stipulated;

W.P.NO.30250 of 2016:

S.Thangavelu
S/o.Subramaniyanpillai
88/1 Convent Road
Mittaputhur (po)
Salem District-636 016 [PETITIONER]

Vs

- 1 The Tamil Nadu State Transport Corporation (Salem) Ltd
Rep by its Managing Director 12 Ramakrishna Road Salem-7
- 2 The General Manager
The Tamil Nadu State Transport Corporation
(Salem) Ltd 12 Ramakrishna Road Salem-7 [RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity and Dearness Allowance payable to him along with monthly pension with reasonable rate of interest within the time that may be stipulated;

W.P.NO.30251 of 2016:

N.Nagaraju

S/o.V.Nadesan 1/313 Karimedu

Magudanjavadi (po)

Sangagiri (Tk) Salem District-7

[PETITIONER]

Vs

1 The Tamil Nadu State Transport Corporation (Salem) Ltd
Rep by its Managing Director Salem Region
12 Ramakrishna Road
Salem-7

2 The General Manager
The Tamil Nadu State Transport Corporation (Salem) Ltd Salem Region
12 Ramakrishna Road Salem-7

3 The Administrator
The Tamil Nadu State Transport Corporation Pension Trust Thiruvalluvar
Illam Pallavan
Salai Chennai-600 002

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits Provident Fund Gratuity Commutation of Pension Earned Leave Wages Employees Welfare Fund IRT Share Amount and Arrears of Dearness Allowance payable to him along with monthly pension with reasonable rate of interest within the time that may be stipulated;

W.P.NO.30255 of 2016:

K.Mani

S/o.P.Kandasamy

(Employee No.AS0194) 2/19

Komali Vattam Sukkampatti Post

Salem-636 122.

[PETITIONER]

Vs

- 1 The Managing Director
Tamilnadu State Transport Corporation
(Salem) Limited 12 Ramakrishna Salai
Salem-636 007.
- 2 The Administrator
Tamilnadu State Transport Corporation
Employees Pension Trust Administrative
Office Thiruvalluvar House Pallavan Salai
Chennai. [RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to pay the retirement benefits such as Provident Fund Gratuity Labour Welfare Fund IRT share the benefits or Earned and Unearned Leave Commutation old medical leave benefit and other retirement benefits payable to the petitioner with interest at the rate of 12% from the date of retirement;

W.P.NO.30344 of 2016:

C.Balusamy [PETITIONER]
S/o.N.Chinnasamy 37/5
Mandela Nagar
Dasampalayam Road
Mettupalayam-641 301.

Vs

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-9.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (CBE)
Ltd Head Office No.37
Mettupalayam Road
Coimbatore-641 043. [RESPONDENT]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to give effect to the settlement benefits and to the settle the petitioner retirement benefits such as Gratuity Encashment of Leave (EL) Encashment of Leave (ML-98) Settlement Arrears DA Arrears P.F. Arrears Social Security Scheme and other eligible terminal benefits after duly taken into account the enhanced Dearness Allowance with interest of 18% interest on delayed payment to the petitioner from 31.3.2015 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.30345 of 2016:

P.Narasingham
S/o.Pavadai Plot No.35
Earl Ramsai Nagar
Kadaperi Madurantagam-603 306 [PETITIONER]

Vs

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy
Villupuram-605 602.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-2. [RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits such as the Gratuity amount Commutation of Pension Encashment of Leave Salary(E/L) DA Arrears Settlement Arrears PF Arrears and other eligible terminal benefits after duly taking into account the enhanced Dearness Allowance with interest of 18% on delayed payment to the petitioner from 31.8.2015 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.30346 of 2016:

K.Vijayasankar
S/o.K.Kanagasabai No.12
Sannathi Street
Anakaputhur Chennai-70.

[PETITIONER]

Vs

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-9.
- 2 The Managing Director
Tamil Nadu State Transport
Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy
Villupuram-605 602.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-2.

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits such as the Difference in Gratuity Difference in Encashment of Leave Salary(EL) Encashment of unearned Leave on Private Affairs order in Government Letter No.37568/ BPE/2006 dated 28.1.2008 and other eligible terminal benefit after to extend the benefit of enhanced Dearness Allowance at the rate of 100% in terms of G.O.(Ms) No.55 Transport (E) Department and 4.6.2014 with 18% interest on delayed payment to the petitioner from 31.3.2014 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.30347 of 2016:

S.R.Asokan
S/o.T.S.Rajan No.3/6
Amarjothi Nagar
Airport Nagar Soolur-641 402.

[PETITIONER]

Vs

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.
- 2 The Managing Director
Tamil Nadu State Transport Corporation (CBE)
Ltd Head Office No.37 Mettupalayam Road
Coimbatore-641 043
- 3 The Administrator
Tamil Nadu State Transport Corporation
Pension Fund Trust Thiruvalluvar House
Pallavan Salai Chennai-2. [RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits such as the Difference in Gratuity Difference in Leave Salary(EL) and (ML-98) Difference in E/L Surrender Settlement benefit PF Arrears Difference Pension Arrears and other eligible terminal benefits after to extend the benefit of pay revision in terms of settlement with enhanced Dearness Allowance at the rate of 100% in terms of G.O.(Ms) No.55 Transport (E) Department and 4.6.2014 with 18% interest on delayed payment to the petitioner from 30.6.2014 the best 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.30348 of 2016:

K.Bhaskaran
S/o.Krishnankutty No.63
Sundaram Nagar
Brammapuram Vellore-632 014.

[PETITIONER]

WEB COPY

Vs

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.

2 State Express Transport
Corporation Ltd (Old Name Thiruvalluvar
Transport Corporation Ltd) Rep. by its
Managing Director
Pallavan Salai Chennai-2.

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) 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 to the petitioner from 30.9.2012 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.30349 of 2016:

S.Arunachalam
S/o.Sabapathy Kavathur Village
Veeranakunnam Post Madurantagam
Kancheepuram-603 306.

[PETITIONER]

Vs

1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.

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-2.

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits such as the Gratuity amount Settlement Benefits Commutation of Pension Leave on Encashment (EL) amount Pension Arrears DA Arrears and Provident Fund Arrears

and other eligible terminal benefits after duly taken into account the settlement benefits and Dearness Allowance with interest of 18% on delayed payment to the petitioner from 31.3.2015 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.30350 of 2016:

S.L.Natarajan

[PETITIONER]

Vs

1 The Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department Secretariat
Fort St. George
Chennai-9.

2 The Managing Director
Tamil Nadu State Transport
Corporation (VPM)
Ltd 3/137 Salamedu
Valuthareddy Post
Villupuram-605 602.

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus directing the respondents to settle the petitioner retirement benefits such as Difference in Gratuity Pension DA Arrears Difference in Pension Arrears after taking into account the actual qualified service Difference in Encashment of Leave Salary (EL) and (ML-98) with the enhanced Dearness Allowance with 18% interest on delayed payment to the petitioner from 31.10.2007 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.30351 of 2016:

J.Selvaraj
S/o.T.S.Jagadeesan Door No.121
Krishnan
Street Pillayar Palayam
Kancheepuram-631 501

[PETITIONER]

Vs

1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.

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-2.

[RESPONDENTS]

Writ Petition has filed U/s. 226 of India to issue a Writ of Mandamus 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 2013-2014 2014-15 (30 days) DA Arrears Senior Superintendent pay fixation arrears PF arrears and Encashment of unearned leave salary on private affairs order in Government Letter No.37568/ BPE/2006 dated 28.1.2008 and other eligible terminal benefits after taking into account the enhanced Dearness Allowance with interest of 18% on delayed payment to the petitioner from 29.2.2016 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. (M.D).Nos.383 to 457 of 2015 dated 12.06.2015;

W.P.No.30352 of 2016:

G.K.Harinath
G.Krishnasamy 357/9
Varadhappa Nagar via
Aruna Nagar Little Kancheepuram
Kancheepuram-631 501.

[PETITIONER]

Vs

1 The Government of Tamil Nadu
Rep. by its Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.

2 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy Post
Villupuram-605 602.

C O M M O N O R D E R

By consent, the Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The petitioners joined the service of the Transport Corporation and he 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 have been 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 respondent, would affirm that the issue involved in this Writ Petitions are 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 are 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

ssd
To

1. The Managing Director,
Tamilnadu State Transport Corporation,
(Coimbatore Division) Limited,
37, Mettupalayam Road,
Coimbatore - 641 603

2. The Tamil Nadu State Transport
Corporation (Salem) Ltd
Rep by its Managing
Director 12 Ramakrishna Road
Salem-7.

3 The General Manager
The Tamil Nadu State Transport
Corporation
(Salem) Ltd Salem Region
12 Ramakrishna, Road Salem-7

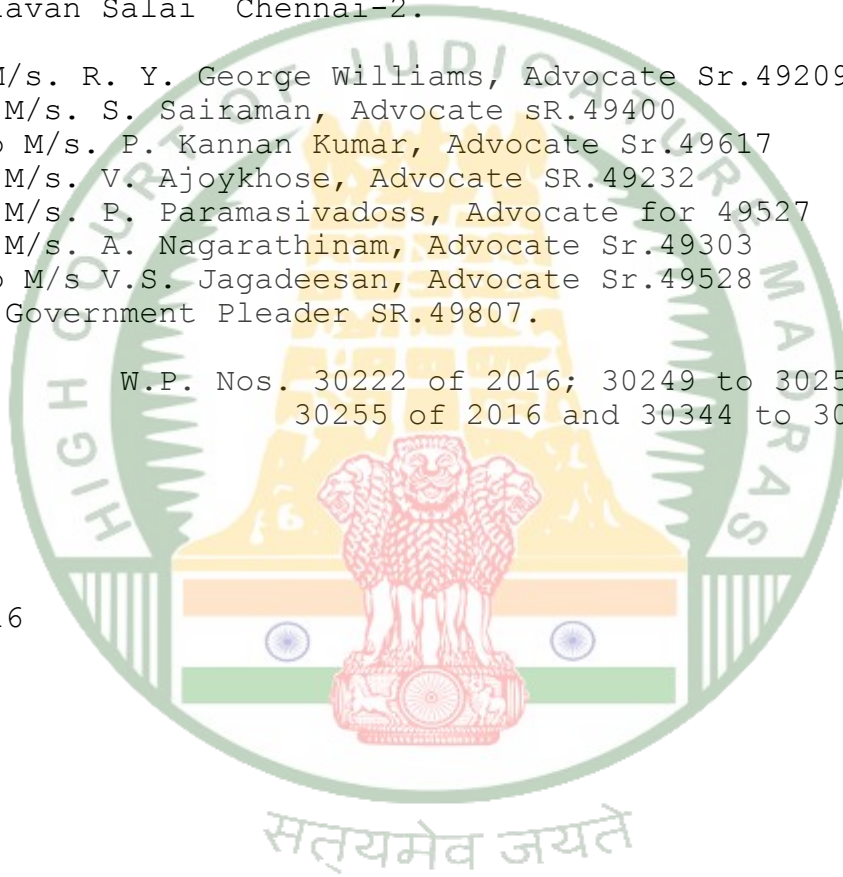
4 The Administrator
TNSTC Pension Trust
Thiruvalluvar Illam
Pallavan Salai Chennai-600 002

- 5 The Principal Secretary Transport
Department Secretariat Fort St. George
Chennai-9.
- 6 The Managing Director
Tamil Nadu State Transport Corporation (VPM)
Ltd 3/137 Salamedu Valuthareddy
Villupuram-605 602.
- 7 The Managing Director State Express Transport
Corporation Ltd (Old Name Thiruvalluvar
Transport Corporation Ltd)
Pallavan Salai Chennai-2.

+ 1cc to M/s. R. Y. George Williams, Advocate Sr.49209
+ 1 cc to M/s. S. Sairaman, Advocate sR.49400
+ 4 ccs to M/s. P. Kannan Kumar, Advocate Sr.49617
+ 1 cc to M/s. V. Ajoykhose, Advocate SR.49232
+ 1 cc ro M/s. P. Paramasivadoss, Advocate for 49527
+ 1 cc to M/s. A. Nagarathinam, Advocate Sr.49303
+ 9 ccs to M/s V.S. Jagadeesan, Advocate Sr.49528
+ 1 cc to Government Pleader SR.49807.

W.P. Nos. 30222 of 2016; 30249 to 30251 of 2016;
30255 of 2016 and 30344 to 30352 of 2016

RP (CO)
Eu 19/10/16



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