

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.30394 to 30403 of 2016

W.P.No.30394 of 2016

K.Abdul Malikhan .. Petitioner

Vs.

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,
Villupuram Region,
Villupuram. ... Respondents

W.P.30395 of 2016:

E.Arumugam (Staff No.CR.62048) [PETITIONER]

Vs

- 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 [RESPONDENTS]

W.P.30396 of 2016:

C.Mohan (Staff No. TM.0048)

[PETITIONER]

Vs

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
Villupuram Region, Villupuram

[RESPONDENTS]

W.P.30397 of 2016:

1 S.Bhuvanakumar
(Staff No.2096)

[PETITIONER]

Vs

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
Vellore Region Vellore-632 009

3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai Chennai-600 002

[RESPONDENTS]

W.P.30398 of 2016:

M.Thayappan (Staff No.A.1095)

[PETITIONER]

Vs

1 The Managing Director
State Express Transport Corporation
(Villupuram) Limited Pallavan Salai
Chennai-2

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai
Chennai-600 002 [RESPONDENTS]
W.P.30399 of 2016:

S.Rajendiran (Staff No.A.0809) [PETITIONER]

Vs

1 The Managing Director
State Express Transport Corporation
(Villupuram) Limited Pallavan Salai
Chennai-2

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement
Welfare Fund Scheme Thiruvalluvar House
Pallavan Salai
Chennai-600 002 [RESPONDENTS]

W.P.30400 of 2016:

E.Mani (Staff No.DR.42571) [PETITIONER]

Vs

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 [RESPONDENTS]

WP.NO.30401 of 2016:

M.Subramaniyan
Staff no.CR9723

[PETITIONER]

Vs

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 Vellore Region
Vellore

[RESPONDENTS]

W.P.NO.30402 of 2016:

G.Duraiswamy

Vs

[PETITIONER]

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 Vellore Region
Vellore-632 009

[RESPONDENTS]

W.P.No.30403 of 2016:

P.Sankaran (Staff No.CR.61223)

[PETITIONER]

Vs

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

[RESPONDENTS]

W.P.NO.30394 of 2016: Writ Petitions have been filed under

Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Leave Surrender, Earned Leave Labour Welfare Fund for 24 months and D.A. arrears by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.06.2014 within the stipulated time as may be fixed by this Court.

W.P.No.30395 of 2016: Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new basic and all other retirement benefits amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.02.2015 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.30396 of 2016: Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic and all other retirement Benefits amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.05.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.NO.30397 of 2016: Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment by calculating D.A. eligible as per newly implemented scheme with interest at 12% per annum with effect from 01.05.2016 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.30398 of 2016: To issue a Writ of Mandamus or any other appropriate writ or direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Leave Encashment(Earned Leave & medical Leave) Welfare Fund and Increasing D.A. Amount Including to Gratuity and all other retirement benefits by calculating D.A. eligible as per fixation made by the government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.08.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.NO.30399 of 2016: Writ of Mandamus directing the

respondents to disburse the payments relating to Provident Fund Pension Commutation Leave Encashment (Earned Leave & Old medical Leave) Social Security Scheme Benefits Engineering & Medical college Share Amount and D.A. Arrears Amount and all other retirement benefits by calculating D.A. eligible as per fixation made by the government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.07.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.30400 of 2016: Writ Mandamus or any other appropriate writ or direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect arrears as per new Basic Pension Arrears and all other retirement benefits amount by calculating D.A. eligible as per fixation made by the government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.10.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.30401 of 2016: Writ Mandamus directing the respondents to disburse the payments relating to Gratuity D.A. Arrears and all other Retirement benefits Amount by calculating D.A. eligible as per fixation made by the government of Tamilnadu Periodically along with the entitled difference of dearness allowances also with interest at 12% per annum with effect from 01.11.2012 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.30402 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of Writ of Mandamus directing the respondents to disburse the payments relating to Gratuity by calculating D.A. eligible as per newly implemented Scheme With interest at 12% per annum with effect from 01.10.2012 within the stipulated time as may be fixed by this Honourable Court.

W.P.NO.30403 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of Writ Mandamus directing the respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave) 2013 Settlement Effect Arrears as per new Basic and all other Retirement Benefits Amount by calculating D.A. eligible as per the fixation made by the Government of Tamilnadu periodically along with the entitled difference of dearness allowances also 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 :Mr.J.Pradeep
in all WPs.

For Respondent :Mr.P.Kannan Kumar
Standing Counsel in all WPs.

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 are 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 respondent, 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 petitioner 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 this Writ Petition 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 08.12.2016.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vrc
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,
Villupuram Region, Villupuram.
3. The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House
Pallavan Salai Chennai-600 002.

+ 10 ccs to Mr. J. Pradeep, Advocate Sr.50364

W.P. Nos.30394 to 30403
of 2016

VGI (CO)
Eu 23/09/16