

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.30384 to 30393 of 2016

S.Chinnappan	..	Petitioner in WP.30384/2016
K.Pullu Gounder	..	Petitioner in WP.30385/2016
K.Moorthy	..	Petitioner in WP.30386/2016
K.Subramanian	..	Petitioner in WP.30387/2016
T.Palanisamy	..	Petitioner in WP.30388/2016
N.Radhakrishnan	..	Petitioner in WP.30389/2016
S.Sathasivam	..	Petitioner in WP.30390/2016
V.Perumal	..	Petitioner in WP.30391/2016
V.Madheswaran	..	Petitioner in WP.30392/2016
K.Madhaiyan	..	Petitioner in WP.30393/2016

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary,
Transport Department,
Secretariat,
St. George Fort, Chennai - 600 009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
 3. The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
Salem - 636 007.
 4. The Administrator,
Tamil Nadu State Transport Corporation Employees
Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai.
- .. Respondents

WP.NO.30384 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 settle the petitioner's retirement benefits including Gratuity, ERBS pension arrears, Pension DA Arrears, Earned Leave Balance, M.L. Credit as per settlement, EL surrender, Settlement benefits and interest for the period of belated settlement of Provident Fund, Commutation, Labour Welfare Fund and in other benefits 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., 31.03.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

WP.NO.30385 of 2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance Surrender Leave (EL & KL) Settlement benefits I.R.T. Medical College share fund Balance of commutation amount and interest for belated settlement of provident Fund labour Welfare Fund Commutation IRT M.L. and in other benefits 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., 31.3.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

WP.No.30386 of 2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance M.L. credit as per settlement Settlement benefits and interest for the period of belated settlement of Provident Fund Commutation labour Welfare Fund I.R.T. Medical College share fund and in other benefits 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., 31.05.2014 to till date of actual payment to the Petitioner within the time that may be stipulated by this Hon'ble Court.

WP.NO.30387 of 2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance M.L. Credit as per settlement settlement benefits and interest for the period of belated settlement of Provident Fund Commutation Labour Welfare Fund I.R.T. Medical College share fund and in other benefits 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. 31.10.2013 to till date of actual payment to the Petitioner within the time that may be stipulated by this Hon'ble Court.

WP.NO.30388 of 2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance M.L. Credit E.L.Surrender I.R.T. Medical College share fund Balance of commutation amount and interest for belated settlement of provident Fund Settlement Benefits and interest for the period of belated settlement of Provident Fund Labour Welfare Fund Commutation IRT College share and in other benefits 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., 31.05.2014 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

WP.NO.30389 of 2016: Directing the respondents to settle the petitioners retirement benefits including Gratuity Provident Fund Labour Welfare Fund Earned Leave Balance M.L. Credit Settlement benefits arrears I.R.T. Medical College share fund and commutation and in other benefits 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. 31.01.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

WP.No.30390 of 2016:Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance M.L. Credit as per settlement EL Surrender Settlement benefits and interest for the period of belated settlement of Provident Fund Commutation Labour Welfare Fund I.R.T. ML Settlement and in other benefits 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. 30.06.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

WP.NO.30391 of 2016:Directing the respondents to settle the petitioners retirement benefits including Gratuity ERBS Pension Arrears Pension DA Arrears Earned Leave Balance M.L. credit as per settlement Settlement Benefits and Interest for the period of belated settlement of gratuity E.L. Surrender and salary M.L. Settlement Commutation Labour Welfare Fund and in other benefits 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. 30.11.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Hon'ble Court.

WP.No.30392 of 2016:Directing the respondents to settle the petitioners retirement benefits including Gratuity Provident Fund Labour Welfare Fund Earned Leave Balance M.L. Credit as per settlement EL Surrender Settlement benefits arrears and IRT Medical College share fund and in other benefits 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. 31.05.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

WP.NO.30393 of 2016:

Directing the respondents to settle the petitioners retirement benefits including Gratuity Provident Fund Labour Welfare Fund earned Leave balance M.L. Credit as per settlement EL surrender Settlement benefits arrears and IRT Medical College share fund and in other benefits 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. 30.04.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court

For Petitioner

:Mr.M.Selvam
in all WPs.

For Respondent

:Mr.R.Venkatesh
Government Advocate - R1 in all WPs

Mr.R.K.Gandhi
Standing Counsel -
R2 & 3 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary
The Government of Tamil Nadu
Transport Department,
Secretariat,
St. George Fort, Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishnan Road,
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Salem - 636 007.
4. The Administrator,
Tamil Nadu State Transport Corporation Employees
Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai.

+10 ccs to Mr.M.Selvam Advocate sr 49727

+6 ccs to Mr.R.K.Gandhi Advocate sr 50473 to 50475

+1 cc to Government Pleader sr 50309

W.P. Nos.30384 to 30393
of 2016

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