

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. Nos.30712 to 30715 of 2016

S.Nagalingam .. Petitioner in W.P.No.30712 of 2016
P.Elango .. Petitioner in W.P.No.30713 of 2016
R.Venkatesan .. Petitioner in W.P.No.30714 of 2016
M.Bose .. Petitioner in W.P.No.30715 of 2016

Vs.

1. The Government of Tamil Nadu
rep. by its Principal Secretary,
Transport Department,
Secretariat,
Fort St. George,
Chennai - 600 009. ... 1st respondent in all W.Ps.
2. The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043. ... 2nd respondent in W.P.Nos.30712,
30713, 30715 of 2016
3. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602. ... 2nd respondent in
W.P.No.30714 of 2016
4. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002. ... 3rd respondent in W.P.Nos.30712
& 30714 of 2016

5. The Financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office No.37, Mettupalayam Road,
Coimbatore - 641 043. ... 3rd respondent in
W.P.No.30715 of 2016

W.P.No.30712 of 2016 : Writ Petition has 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 such as the Gratuity amount, Commutation of Pension, Leave on Encashment (EL) amount, Leave on Encashment (ML) amount, Settlement Benefits, DA arrears, pension arrears and provident fund arrears and other eligible terminal benefits after duly taken into account the settlement benefits and enhanced dearness allowance 18% interest on delayed payment to the petitioner from 28.02.2015 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 12.06.2015.

W.P.No.30713 of 2016 : Writ Petition has 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 such as Encashment of unearned leave on private affairs order in Government letter No.37568/BPE/2006 dated 28.01.2008 and to pay the difference in Gratuity and difference in Encashment of earned leave with interest of 18% on delayed payment from 30.06.2009, the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A.(MD).Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.30714 of 2016 : Writ Petition has 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 such as the Gratuity amount, Commutation of Pension, Leave on Encashment (EL) amount, DA arrears, Pension arrears, PF arrears, Settlement of arrears amount Subscription amount Medical College and Engineering College and other eligible attendant benefits after duly taken into account the enhanced dearness allowance with 18% interest on delayed payment to the petitioner from 31.10.2015 the date of voluntary 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 12.06.2015.

W.P.No.30715 of 2016 : Writ Petition has 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 dues such as Encashment of unearned leave on private affairs taking into account the VI th Pay Commission with interest of 18% on delayed payment from 31.03.2006 the date of retirement to till the date of settlement of the retirement benefits to the petitioner by following the order passed in W.A. (MD).Nos.383 to 457 of 2015 dated 12.06.2015.

For Petitioners : Mr.V.S.Jagadeesan
in all WPs.

For Respondents : Mr.P.Chinnadurai,
Government Advocate - R1
in all WPs
Mr.S.Sairaman
Standing Counsel - R2 & R3
in all WPs

C O M M O N O R D E R

By consent, these 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 these Writ Petitions 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 01.01.2017.

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

Sd/-सतयमेव जयते
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

vrc
To

1. The Principal Secretary,
the Government of Tamil Nadu
Transport Department, Secretariat,
Fort St. George, Chennai - 600 009.

2. The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy Post,
Villupuram - 605 602.
4. The Administrator,
Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- 5 The financial Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corporation (CBE) Ltd.,
Head Office No.37, Mettupalayam Road,
Coimbatore, 641 043

+1 CC to Govt., Pleader, Sr.No.50168

+4 CC to M/s. V.S. Jagadeesan, Advocate Sr.No.49869

+3 CC to M/s. S. Sairaman, Advocate Sr.No.50421

W.P. Nos. 30712 to 30715 of 2016

SAI (CO)
MD : 22/09/2016

सत्यमेव जयते

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