

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.32709 to 32714 of 2016

Chandra Kantha ... Petitioner in
WP.No.32709/2016

S. Rathinaswamy .. Petitioner in
WP.No.32710/2016

S. Murugesan .. Petitioner in
WP.No.32711/2016

P. Murugesan .. Petitioner in
WP.No.32712/2016

K. Kulandaiappan .. Petitioner in
WP.No.32713/2016

K. Sundaram .. Petitioner in
WP.No.32714/2016

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

... Respondents 1 and 2
in WP.No.32710,32711.32713
and 32714 of 2016

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 1 TO 2
WP.No.32709 and 32712 of 2016

Writ petitions No.32709 of 2016 has been filed under
Article 226 of the Constitution of India, praying for a Writ of
mandamus

directing the respondents to settle the petitioner's
retirement benefits such as gratuity amount, leave encashment
(EL) amount, leave encashment (ML) amount, arrears of leave
surrender for 15 days, social security scheme, settlement
arrears and arrears of pension from April 2015 and other
attendant benefits after extending the settlement benefits and
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 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. (WP. NO. 32709/2016)

WP.No.32710 of 2016

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), Provident fund,
Social Security Scheme, Settlement Arrears, DA Arrears after
taking to account the Enhanced dearness allowance and other
eligible terminal benefits with interest of 18% on delayed
payment to the petitioner from 31.03.2016 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.(MD).Nos.383 to
457 of 2015 dated 12.06.2015.

WP.No.32711 of 2016

directing the Respondents to settle the petitioners
retirement dues 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 31.07.2009 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.

WP.No.32712 of 2016

directing the Respondents, to settle the retirement benefits payable to the petitioner namely Gratuity, Encashment of Leave salary (EL), pension Commutation, Provident fund, Social Security Scheme, Settlement Arrears and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.09.2015 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

WP.No.32713 of 2016

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), Provident fund, Social Security Scheme, Settlement Arrears and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.10.2015 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

WP.No.32714 of 2016

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), Encashment of Leave already surrender, Encashment of unearned leave on private affairs order in Government letter No.37568/BPE/2006 dated 28.01.2008 with enhanced Dearness allowance and other eligible terminal benefits with interest of 8% on delayed payment to the petitioner from 30.04.2014 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

For Petitioner : Mr.V.S.Jagadeesan,
in all the writ petitions

For Respondents : Mr.S.Gunasekaran,
Addl. Govt. Pleader for R.1
Mr.S.Sairaman, for R.2 and R.3
in all the writ petitions.

COMMON ORDER

By consent, the main writ petitions themselves are taken up for final disposal.

2. The petitioners joined the services of the Transport Corporation and they 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. I have heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader, who has taken notice on behalf of the first respondent and the learned counsel, who has taken notice on behalf of the respondents 2 and 3.

4. The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made 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).

5. Following the said judgment, without going into the merits of the matter, the respondents 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 1.12.2016.

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

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sbi

To

1.The Principal Secretary,
Government of Tamil Nadu,
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.

+1 CC to Mr. S. Sairaman, Advocate Sr.No.53332

+6 CC to M/s. V.S. Jagadeesan, Advocate Sr.NO.53015

+1 CC to the Government Pleader, Sr.NO.53507

W.P.Nos.32709 to 32714 of 2016

VD (CO)

MD : 18/10/2016

सत्यमेव जयते

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