

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.32716 to 32722 of 2016

G.NEELAMEGAM

STAFF NO.42189

... PETITIONER in WP No.32716 of 2016

S.PALANISAMY

STAFF NO.AS0106

... PETITIONER in WP No.32717 of 2016

V.VINAYAGAMURTHY

STAFF NO.SR0915

... PETITIONER in WP No.32718 of 2016

S.JAYABALAN

STAFF NO.DR1800

... PETITIONER in WP No.32719 of 2016

S.MUTHU

STAFF NO.41373

... PETITIONER in WP No.32720 of 2016

V.KRISHNADASS

STAFF NO.SR0977

... PETITIONER in WP No.32721 of 2016

A.BALARAMAN

STAFF NO.DR1488

... PETITIONER in WP No.32722 of 2016

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.

...Respondent in W.P.No.32716,32720 of 2016

- 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 Cuddalore Region
Cuddalore ...Respondent in W.P.No.32717,32719 of 2016
- 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 ...Respondent in W.P.No.32718 of 2016
- 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 Cuddalore Region
Cuddalore
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai-600 002
...Respondent in W.P.No.32721, 32722 of 2016

Prayer in W.P.Nos.32716 to 32722 of 2016

Writ petition No.32716 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to settle to settle the petitioner's retirement benefits including Gratuity,

commutation, leave surrender (earned leave), IRT amount and settlement arrears, 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. 30.4.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.32717 of 2016

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity 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. 28.02.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.32718 of 2016:

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity EL Surrender Settlement arrears private affairs and SL Surrender 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.

W.P.No.32719 of 2016:

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity 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. 30.09.2012 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.32720 of 2016:

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (Earned Leave) IRT Amount Settlement arrears Balance Bonus and Welfare Fund 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. 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.P.No.32721 of 2016:

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation EL Surrender Settlement arrears Pension arrears and SL surrender 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. 28.02.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

W.p.No.32722 of 2016:

Writ of Mandamus directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation and EL Surrender 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. 31.05.2015 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 the writ petitions

For Respondents :Mr.S.Sairaman,
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 counsel, who has taken notice on behalf of the respondents.

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/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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,
Kancheepuram Region,
Kancheepuram.

3.The Administrator,
Tamil Nadu State Transport
Corporation
Employees Post Retirement Welfare
Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai-2.

4.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Cuddalore Region
Cuddalore.

5.The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Limited Villupuram Region
Villupuram.

+1cc to Mr.S.Sairaman, Advocate Sr.53329

+7cc to Mr.M.Selvam, Advocate sr.53059

सत्यमेव जयते

W.P.Nos.32716 to 32722 of 2016

sk[co]
srg 04/10/2016

WEB COPY