

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.32737 to 32743 of 2016

E.Gajapathi
Staff No.DR 42596 ..Petitioner in W.P.No.32737 of 2016

D.Dakshinamurthi
Staff No.CR 08276 ..Petitioner in W.P.No.32738 of 2016

S.L.Panneerselvam
Staff No.SRTM 3311 ..Petitioner in W.P.No.32739 of 2016

G.Ethirajan
Staff No.DR 60929 ..Petitioner in W.P.No.32740 of 2016

K.Udayakumar
Staff No.DR20459 ..Petitioner in W.P.No.32741 of 2016

K.Balaraman
Staff No.STM03789 ..Petitioner in W.P.No.32742 of 2016

V.Venkatesan
Staff No.CR 60963 ..Petitioner in W.P.No.32743 of 2016

vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy
Villupuram-605 602 .. R1 in WP No.32738/2016,
32739, 32740, 32741, 32742
32743/2016

2.The General Manager,
Tamil Nadu State Transport
Corporation(Villupuram) Limited,
Kancheepuram Region,
Kancheepuram. .. R2 in WP 32740, 32741, 32743/
2016

3.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme,
Thiruvallurvar House, Pallavan Salai,
Chennai-600 002 ... R3 in WP 32738, 32739, 32740/
2016.

Respondent in WP 32737,32741/
2016.

4.The General Manager,
Tamil Nadu State Transport Corporation(Villupuram) Limited,
Vellore Region,
Vellore 632 009. ... R2 in WP 32738, 32739, 32742/
2016

Prayer in WP 32737/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity, pension, commutation and leave surrender (Earned Leave & Old Medical Leave), IRT Share Amount and Settlement Arrears by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2015, within the stipulated time as may be fixed by this Hon'ble Court.

Prayer in WP 32378/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 pension from in the year of 2011 till now, pension commutation, Labour Welfare Fund , IRT Share Amount Old Medical Leave 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 12.10.2011 within the stipulated time as may be fixed by this Hon'ble court.

Prayer in WP 32739/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity, pension commutation and leave Encashment (Earned Leave & Old Medical Leave) by calculating D.A. eligible as per newly implemented, with interest at 12% per annum with effect from 01.05.2016, within the stipulated time as may be fixed by this Hon'ble Court and pass such further or other orders as this Hon'ble court.

Prayer in WP 32740/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity, pension, commutation and leave surrender (Earned Leave) and Settlement Arrears by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu 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 Hon'ble Court.

Prayer in WP 32741/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity, pension, commutation and leave surrender (Earned Leave & Old Medical Leave) and Settlement Arrears by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu 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 Hon'ble Court.

Prayer in WP 32742/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity and retirement benefit fund by calculating D.A. eligible as per annum with effect from 01.10.2012 within the stipulated time as may be fixed by this Hon'ble Court and pass such further or other orders as this Hon'bel court may deem fit.

Prayer in WP 32743/2016: For the reason stated in the accompanying affidavit, it is prayed that this Hon'ble court may be pleased 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 gratuity Amount by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.09.2012, within the stipulated time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sakthivel,
in all W.Ps.

For Respondents : Mr.P.Paramasivadosh,
in all Wps.

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

sbi

To

- 1.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddym
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,
Thiruvallurvar House, Pallavan Salai,
Chennai-600 002
- 4.The General Manager,
Tamil Nadu State Transport
Corporation(Villupuram) Limited,
Vellore Region,
Vellore 632 009.

7 ccs to Mr.G.Sakthivel, Advocate, sr.53180
1 cc to Mr.P.Paramasivadosh, Advocate, sr.53400

W.P.Nos.32737 to
32743 of 2016

ssk co
kra 07.10.2016