

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 21.09.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.32956 to 32960 of 2016

R.Devaraj ... Petitioner in W.P.No.32956/2016
P.Subramanian ... Petitioner in W.P.No.32957/2016
P.Rathinasamy ... Petitioner in W.P.No.32958/2016
P.Mani ... Petitioner in W.P.No.32959/2016
K.Jaganathan ... Petitioner in W.P.No.32960/2016

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Limited,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043. ... Respondents in all W.Ps.

Prayer in W.P.No.32956 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely Provident Fund, Gratuity, Encashment of leave salary (EL), Encashment of leave salary (ML-98), D.A.arrears, Settlement arrears, Social Security Scheme after

extending the benefits of the settlement and after duly taken into account the enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.6.2015 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.

Prayer in W.P.No.32957 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus 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), after duly taking into account the enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2013 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.

Prayer in W.P.No.32958 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely Leave Encashment (EL) amount, Leave Encashment (ML) amount, Pending in Leave salary for 4 years (60 days) and other eligible terminal benefits after duly taken into account the enhanced Dearness Allowance with interest of 18% on delayed payment to the petitioner from 31.05.2012 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.

Prayer in W.P.No.32959 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus 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), and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.06.2013 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.

Prayer in W.P.No.32960 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits payable to the petitioner namely Provident Fund, Gratuity, Encashment of leave salary (EL), Encashment of leave salary (ML-98) and D.A.Arrears, Subscription fees for Engineering and Medical College and Settlement arrears with enhanced Dearness Allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2016 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.

For Petitioners : Mr.V.S.Jagadeesan
For Respondents : Mr.R.Venkatesh for R1
Government Advocate
Mr.S.Sairaman for R2

C O M M O N O R D E R

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, with interest of 18% on delayed payment to the petitioners from the date of retirement to till the date of settlement of the terminal benefits to the petitioners by following the order passed in W.A.(MD). Nos.383 to 457 of 2015, dated 12.06.2015.

3.The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement benefits due to them, fully. Hence, the petitioners made representation to the respondents requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other

alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners, the learned Government Advocate who takes notice for the first respondent and the learned counsel who takes notice for the second respondent.

5.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).

6.Following the said judgment, without going into the merits of the matter, the respondent is directed to disburse the aforementioned retiral benefits to the petitioner 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.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Government of Tamil Nadu
The Principal Secretary
Transport Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2 The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Limited,
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.S.Sairaman Advocate, S.R.No.54411
+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.53366
+1cc to the Government Pleader, S.R.No.53854

co(vd)
cp 24/10/2016

W.P.Nos. 32956 to
32960 of 2016

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