

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.33210 to 33213 of 2016

R.Radhakrishnan ... Petitioner in
W.P.No.33210/2016

K.Ramalingam ... Petitioner in
W.P.No.33211/2016

D.Malikjan ... Petitioner in
W.P.No.33212/2016

B.V.Arumugam ... Petitioner in
W.P.No.33213/2016

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
Salem-636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri.

3.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme, Thiruvalluvar House, Pallavan Salai,
Chennai-2. ... Respondents in
all the writ petitions

Writ Petition No.33210 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 including Provident Fund, Gratuity Commutation, Surrender Leave (EL&ML), D.A. Arrears and Settlement Arrears 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. 31.03.2016 till the date of actual payment to the petitioner within a stipulated period fixed by this Court.

Writ Petition No.33211 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 including Provident Fund, Gratuity Commutation, Surrender Leave (EL&ML), D.A. Arrears and Settlement Arrears and E.L. surrender in the year 2009-2010 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. 31.05.2014 till the date of actual payment to the petitioner within a stipulated period fixed by this Court.

Writ Petition No.33212 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 including Gratuity Commutation, Surrender Leave (EL&ML), D.A. Arrears and Settlement Arrears 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. 30.04.2015 till the date of actual payment to the petitioner within a stipulated period fixed by this Court.

Writ Petition No.33213 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 including Provident Fund, Gratuity Commutation, Surrender Leave (EL&ML), D.A. Arrears and Settlement Arrears 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. 31.03.2016 till the date of actual payment to the petitioner within a stipulated period fixed by this Court.

For Petitioner : Mr.M.Selvam,
in all the writ petitions

For Respondents : Mr.R.K.Gandhi
1 and 2 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 1 and 2.

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(V)

//True Copy//

Sub Assistant Registrar

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
Salem-636 007.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram, Dharmapuri.

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

+4ccs to Mr.M. Selvam, Advocate, S.R.No.53842

TRM(CO)
EU(03/10/2016)

W.P.Nos.33210 to
33213 of 2016



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