

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.33620 to 33627 of 2016

C. Murugesan	..Petitioner in W.P.No.33620/2016
P.S. Rajendiran	..Petitioner in W.P.No.33621/2016
T. Arumugam	..Petitioner in W.P.No.33622/2016
M. Lakshmanan	..Petitioner in W.P.No.33623/2016
V. Shanmugam	..Petitioner in W.P.No.33624/2016
V. Palani	..Petitioner in W.P.No.33625/2016
R. Natesan	..Petitioner in W.P.No.33626/2016
M.G.Perumal Samy	..Petitioner in W.P.No.33627/2016

Vs.

The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Villupuram-605 602. ..1st Respondent in all WPs.

The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Villupuram Region
Villupuram ..2nd Respondent in WP.33620/16

The General Manager
Tamil Nadu State Transport Corporation Tiruvannamalai
Region (Villupuram) Ltd.,
Thiruvannamalai ..2nd Respondent in WP.33621/16,
33622/16. 33623/16

The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region, Vellore 632 009.
..2nd Respondent in
WP.33624/16, 33625/16,
33626/16, 33627/16

The Administrator,
Tamil Nadu Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme, Thiruvallur House,
Pallavan Salai, Chennai 600 002.

..3rd Respondent in
WP.33624/16

Prayer in W.P.No.33620/2016: Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to disburse the payments relating to Gratuity, Leave Surrender (Earned Leave Labour Welfare Fund, IRT Share Amount, 2013, Settlement Effect Arrears and D.A.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 1.5.2016 within the stipulated time as may be fixed by this Honourable Court.

Prayer in W.P.No.33621/2016: Writ of Mandamus directing directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave and Old Medical Leave) ERBS Pension Arrears for 9 months Last month 10 days Salary Settlement Effect Arrears in Basic Salary & Pension Pension Arrears DA Arrears and all other Retirement Benefits 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 1.6.2014 within the stipulated time as may be fixed by this Honourable Court;

Prayer in W.P.No.33622/2016: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave and Old Medical Leave) ERBS Pension Arrears for 3 months Last month 8 days Salary New Settlement Effect Arrears in Basic Salary & Pension Pension Arrears DA Arrears and all other Retirement Benefits 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 1.3.2015 within the stipulated time as may be fixed by this Honourable Court;

Prayer in W.P.No.33623/2016: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave and Old Medical Leave) ERBS Pension Arrears for 22 months Last month 10 days Salary

DA Arrears and all other retirement benefits 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 1.7.2013 within the stipulated time as may be fixed by this Honourable Court;

Prayer in W.P.No.33624/2016: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment (Earned Leave & Old Medical Leave) D.A.Arrears by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 1.6.2015 within the stipulated time as may be fixed by this Honourable Court;

Prayer in W.P.No.33625/2016, 33626/16, and 33627/16: Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Commutation Leave Encashment Pension arrears amounts by calculating D.A. eligible as per newly implemented with interest at 12% per annum with effect from 1.7.2013 within the stipulated time as may be fixed by this Honourable Court and pass such further or other orders as this Hon'ble Court;

For Petitioner

in all W.Ps.

:

Mr.G.Sakthivel

For Respondents

:

Mr.P.Kannan Kumar

in all W.Ps.

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 VII)

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Managing Director
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Vazhuthareddy
Villupuram-605 602.

2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd
Villupuram Region
Villupuram

3. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Region, Vellore 632 009.

4. The Administrator,
Tamil Nadu TTransport Corporation,
Employees Post Retirement Welfare Fund
Scheme, Thiruvallur House,
Pallavan Salai, Chennai 600 002.

+ 8 ccs to Mr.G. Sakthivel, Advocate Sr.54745
+ 1 cc to Mr.P. Kannan Kumar, Advocate SR.54988

W.P.No.33620 to
33627 of 2016

RSY(CO)
Eu 24.10.16



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