

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34083 to 34092 of 2016

R.Kumarasamy ... Petitioner in WP.34083 of 2016
Staff No.CR1646

N.Krishnan ... Petitioner in WP.34084 of 2016
Staff No.FC5210

N.Mani ... Petitioner in WP.34085 of 2016
Staff No.FC5150

D.Mariappan ... Petitioner in WP.34086 of 2016
Staff No.FM0506

P.Baskaran ... Petitioner in WP.34087 of 2016
Staff No.CR6208

M.Varadharajan ... Petitioner in WP.34088 of 2016
Staff No.FC5138

R.Selvam ... Petitioner in WP.34089 of 2016
Staff No.CR1644

R.Moorthy ... Petitioner in WP.34090 of 2016
Staff No.FC5135

C.Selvam ... Petitioner in WP.34091 of 2016
Staff No.FC5211

K.Thevan ... Petitioner in WP.34083 of 2016
Staff No.FC5128

WEB COPY
Vs.

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

2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri-636 705.

... R1 & R2 in all the WPs

The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund
Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002

... R3 in WPs.34083, 34084,
34086 to 34091 of 2016

These Writ Petitions are filed under Article 226 of the
Constitution of India, praying to issuance of a Writ of Mandamus,

W.P.No.34083 of 2016 : Directing the respondents to disburse the
payments relating to provident fund, pension commutation,
gratuity, leave encashment (earned and medical leave), yearly
leave surrender amount, ERBS amount, DA arrears, (2013) 5.5
settlement arrear, 5.5 pension arrear, Hills allowance, welfare
fund, cooperative amount, IRT amount, last 7 days salary, 6%
arrear amount from 1.1.2016 and other retirement benefits by
calculating DA 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 1.1.2016.

W.P.No.34084 of 2016 : Directing the respondents to disburse the
payments relating to Gratuity, Leave Encashment (Earned &
Medical Leave), Yearly Leave Surrender Amount, ERBS amount, D.A.
Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear,
Hills Allowance, Welfare Fund, Co-operative Amount, IRT Amount
Last 7 days salary, 6% arrear amount from 01.01.2016 and other
retirement benefits 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 01.04.2014.

W.P.No.34085 of 2016 : Directing the respondents to disburse the
payments relating to Leave Encashment (Earned & Medical Leave),
Yearly Leave Surrender Amount, ERBS amount, IRT Amount, 6%
arrear amount from 01.01.2016, Co-operative amount and other
retirement benefits 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 01.01.2012.

W.P.No.34086 of 2016 : Directing the respondents to disburse the payments relating to Provident Fund, Pension Commutation, Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender Amount, ERBS amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear, Hills allowance, Welfare Fund, Co-operative amount, IRT Amount, Last 7 days Salary, 6% arrear amount from 01.01.2016, Subsistence allowance, Traffic manager increment and other retirement benefits 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 01.02.2016.

W.P.No.34087 of 2016 : Directing the respondents to disburse the payments relating Gratuity, Leave Encashment (Earned & Medical Leave), ERBS Amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear and other retirement benefits 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 01.09.2014.

W.P.No.34088 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender amount, ERBS Amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear Welfare Fund, Co-operative amount, IRT Amount, Last 7 days Salary, 6% arrear amount from 01.01.2016 and other retirement benefits 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 01.07.2013.

W.P.No.34089 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender amount, ERBS Amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear Hills allowance, Welfare Fund, Co-operative amount, IRT Amount Last 7 days Salary, 6% arrear amount from 01.01.2016 and other retirement benefits 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 01.06.2014.

W.P.No.34090 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender amount, ERBS Amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear

Welfare Fund, Co-operative amount, IRT Amount, Last 6 days Salary, 6% arrear amount from 01.01.2016 and other retirement benefits 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 01.08.2012.

W.P.No.34091 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender amount, ERBS Amount, D.A. Arrears, (2013) 5.5. Settlement arrear, 5.5. Pension arrear Hills allowance, Welfare Fund, Co-operative amount, IRT Amount Last 6 days Salary, 6% arrear amount from 01.01.2016 and other retirement benefits 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 01.03.2014.

W.P.No.34092 of 2016 : Directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned & Medical Leave), Yearly Leave Surrender amount, ERBS Amount, D.A. Arrears, Welfare Fund, Co-operative amount, Last 6 days Salary 6% arrear amount from 01.01.2016, Hills Allowance, Pay increment of Checking Inspector and other retirement benefits 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 01.03.2013.

For Petitioner : Mr.D.Karthik,
in all the WPs.

For Respondents : Mr.R.K.Gandhi,
in all the 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 IV)

//True Copy//

Sub Assistant Registrar

sbi

To

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

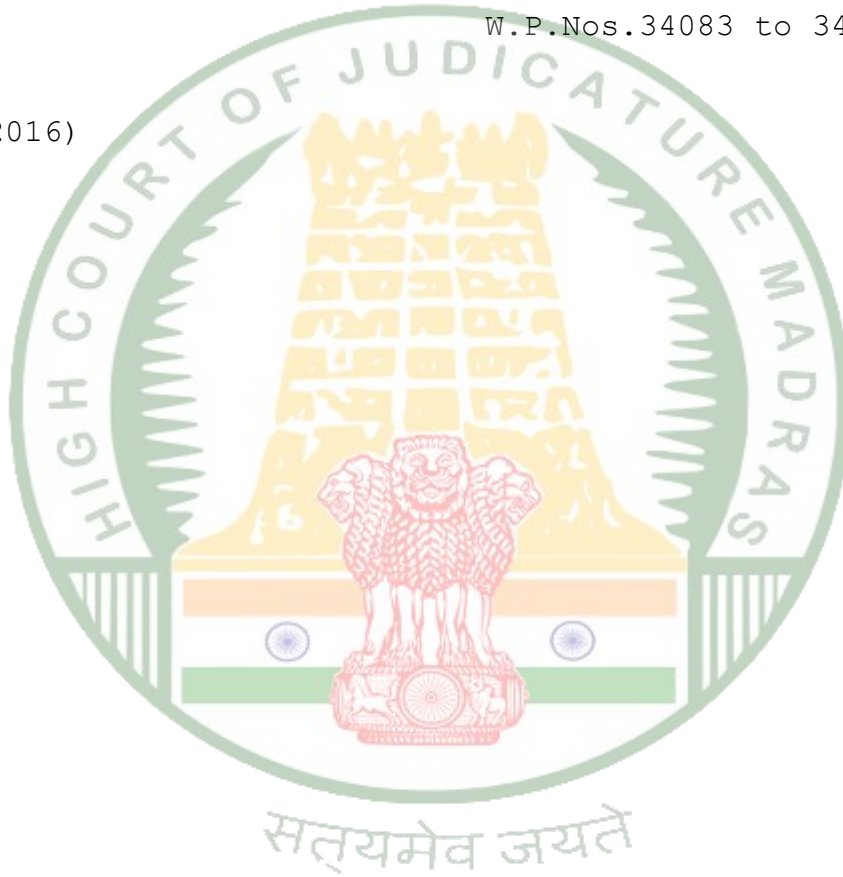
2. The General Manager,
Tamil Nadu State Transport
Corporation (Salem) Limited,
Dharmapuri Region,
Dharmapuri-636 705.

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

+10cc's to Mr.D.Karthik, Advocate, S.R.No.55500

W.P.Nos.34083 to 34092 of 2016

SCD(CO)
CA(17/10/2016)



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