

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 29.09.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.34294 to 34300 of 2016

Mr.S.Chelladurai	... Petitioner in WP.No.34294/2016
Mr.K.Dhandapani	... Petitioner in WP.No.34295/2016
Mr.M.Viswanathan	... Petitioner in WP.No.34296/2016
Mr.N.Marannan	... Petitioner in WP.No.34297/2016
Mr.N.Arjunan	... Petitioner in WP.No.34298/2016
Mr.K.Mariappan	... Petitioner in WP.No.34299/2016
Mr.S.Chinnasamy	... Petitioner in WP.No.34300/2016

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) Ltd.
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.
... Respondent in W.P.No.34294/2016 to
34300/2016

Prayer in W.P.No.34294 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), DA Arrears, Subscription amount of Engineering and Medical College, Settlement arrears, pending in service Leave Salary, Social Security Scheme and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.04.2016 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.

WP.No.34295/2016:

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) pending in service Leave Salary Settlement arrears DA arrears PF arrears after duly taking into account enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2014 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

WP.No.34296/2016:Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Provident Fund amount Encashment of Leave Salary (ML-98) DA Arrears Subscription amount of Engineering and Medical College Settlement arrears 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

WP.No.34297/2016:Directing the respondents to settle the petitioners retirement benefits such as Gratuity amount 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% interest on delayed payment to the petitioner from 31.08.2012 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

WP.No.34298 of 2016: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) DA Arrears Settlement arrears pending in service Leave Salary Social Security Scheme after taking in to account enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.04.2015 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

WP.No.34299 of 2016: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) pending in service Leave Salary Settlement arrears DA arrears after taking in to account enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.05.2014 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

WP.NO.34300 of 2016:Directing the respondents to settle the retirement benefits payable to the petitioner namely Gratuity Provident Fund Encashment of Leave Salary (EL) Encashment of Leave Salary (ML-98) Settlement arrears Social Security Scheme and DA arrears after duly taking in to account enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.04.2016 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
Additional Government Pleader

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, along with interest, 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 respondent 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 submissions made on either side.

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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 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) Ltd.
Head Office, No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1 cc to the Government Pleader High Court Madras
sr 56257
+7 ccs to Mr.V.S.Jagadeesan Advocate sr 55713

W.P.Nos.34294 to
34300 of 2016

nml(co)
aa01/11/2016