

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34498 to 34506 of 2016

1.R. Ramachandran	..Petitioner in W.P.No.34498/2016
2.M. Alexander	..Petitioner in W.P.No.34499/2016
3.S. Arukkani Ammal	..Petitioner in W.P.No.34500/2016
4.P. Kolandaishamy	..Petitioner in W.P.No.34501/2016
5.A. Panneerselvam	..Petitioner in W.P.No.34502/2016
6.R. Rathinam	..Petitioner in W.P.No.34503/2016
7.C. Natarajan	..Petitioner in W.P.No.34504/2016
8.R. Krishnan	..Petitioner in W.P.No.34505/2016
9.A. Natarajan	..Petitioner in W.P.No.34506/2016

vs.

1	The Managing Director Tamil Nadu State Transport Corporation (Salem) Limited No.12 Ramakrishna Road Salem 7.
2	The Administrator Tamil Nadu State Transport Corporation Employees Post Retirement Welfare Fund Scheme Thiruvalluvar House Pallavan Salai Chennai 02. ...Respondents in all WPs.

W.P.NO.34498 of 2016:

Writ petition No.34498 of 2016 has been filed under Article 226 of the Constitution of India, praying for a (1)Writ of mandamus directing the Respondents to disburse the payments relating to Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Medical Leave), Leave Surrender for year of 2009-2011, Labour Welfare Fund, IRT Share Amount, D.A Arrears and all 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 allowance

also with interest at 12% per annum with effect from 01.02.2016 within the stipulated time as may be fixed by the Honourable Court.

W.P.No.34499 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund Gratuity Leave Encashment (Earned Leave & Medical Leave) Leave Surrender for year of 2009-2011 Labour Welfare Fund IRT Share Amount D.A Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.07.2016 within the stipulated time;

W.P.No.34500 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & Old Medical Leave) Surrender Leave Salary for year of 2009-2011 and all 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 allowance also with interest at 12% per annum with effect from 01.01.2013 within the stipulated time as may be fixed by the Honourable Court.

W.P.No.34501 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & Medical Leave) Leave Surrender for year of 2009-2011 and DA Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.03.2012 within the stipulated time;

W.P.No.34502 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund Gratuity Leave Encashment (Earned Leave & Medical Leave) Leave Surrender for year of 2009-2011 Labour Welfare Fund IRT Share Amount D.A Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.06.2016 within the stipulated time;

W.P.No.34503 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & Old Medical Leave) Surrender Leave Salary for year of 2009-2011 D.A Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.11.2012 within the stipulated time;

W.P.No.34504 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & Old Medical Leave) Surrender Leave Salary for year of 2009-2011 D.A Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.06.2015 within the stipulated time;

W.P.No.34505 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & Old Medical Leave) Surrender Leave Salary for year of 2009-2011 D.A Arrears and all 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 allowance also with interest at 12% per annum with effect from 01.04.2013 within the stipulated time;

W.P.No.34506 of 2016: Writ of Mandamus or any other appropriate Writ or direction more particularly in the nature of writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned Leave & old Medical Leave) Surrender Leave Salary for year of 2009-2011 D.A Arrears and all

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 allowance also with interest at 12% per annum with effect from 01.07.2014 within the stipulated time as may be fixed by the Honourable Court.

For Petitioner : Mr.G.Sakthivel,
in all the writ petitions

For Respondents : Mr.R.K.Gandhi,
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.

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 III)

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited No.12 Ramakrishna Road
Salem 7.

2 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 02.

+9ccs to M/s. G. Sakthivel, Advocate, S.R.No.56402

PPA(CO)
EU(24/10/2016)

W.P.Nos.34498 to
34506 of 2016

सत्यमेव जयते

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