

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.34803 to 34811 of 2016

S. Jallil ..Petitioner in W.P.No.34803 of 2016
T. Elumalai ..Petitioner in W.P.No.34804 of 2016
S. Devadass Staff No.13597 ..Petitioner in W.P.No.34805 of 2016
S. Sheik Hussain ..Petitioner in W.P.No.34806 of 2016
V. Sivaramakrishnan
Staff No.13737 ..Petitioner in W.P.No.34807 of 2016
V. Elumalai Staff No.61090 ..Petitioner in W.P.No.34808 of 2016
V. Mani ..Petitioner in W.P.No.34809 of 2016
M. Wahab ..Petitioner in W.P.No.34810 of 2016
K. Lakshmanan ..Petitioner in W.P.No.34811 of 2016

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai-600 009. ..1st respondent in WP.34803/16 to
WP.34811/16
2. The Managing Director,
Tamil Nadu State Transport
Corporation (VPM) Ltd.,
3/137 Salamedu,
Valuthareddy post,
Villupuram - 605 602 ..2nd respondent in WP.34803/16,
34804/16, 34806/16 to 34811/16
3. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002 ..3rd Respondent in
WP.34803/16, 34804/16,
34806/16 to WP.34811/16
4. The Managing Director
Tamil Nadu State Transport
Corporation (CBD) Ltd.,
Head Office No.37, Mettupalayam Road,
Coimbatore. ..2nd Respondent in
WP.34805/16

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

W.P.No.34803 of 2016:

Directing the respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity, Difference in leave salary(EL), Difference in leave salary (ML-98), Pension Arrears, Pension DA Arrears, Arrears in salary for 10 days, Grade Pay arrears (D.I) with interest of 18% on delayed payment to the petitioner from 31.03.2013 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.

W.P.No.34804 of 2016: Directing the Respondents to settle the Petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the Petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Pension Arrears Pension DA Arrears PF Arrears Settlement Arrears DA Arrears with interest 18% on delayed payment to the Petitioner from 31.08.2014 the date of retirement to till the date of settlement of the terminal benefits to the Petitioner by following the order passed in WA (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.34805 of 2016: Directing the Respondents to settle the Petitioner retirement benefits payable to the Petitioner including the Gratuity Encashment of Leave Salary (EL) after duly taking into account the enhanced dearness allowance and other eligible terminal benefits with interest 18% on delayed payment to the Petitioner from 31.07.2013 the date of retirement to till the date of settlement of the terminal benefits to the Petitioner by following the order passed in WA (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.34806 of 2016: Directing the Respondents to settle the Petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the Petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Pension Arrears Pension DA Arrears PF Arrears Settlement arrears DA Arrears and Arrears of Grade Pay with interest 18% on delayed payment to the Petitioner from 31.01.2014 the date of retirement to till the date of settlement of the terminal benefits to the Petitioner by following the order passed in WA (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.34807 of 2016: Directing the Respondents to settle the Petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the Petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Leave Encashment (ML-98) Pension Arrears Pension DA Arrears PF Arrears Settlement arrears Pending in Service Leave Salary and DA Arrears with interest 18% on delayed payment to the Petitioner from 31.07.2014 the date of retirement to till the date of settlement of the terminal benefits to the Petitioner by following the order passed in WA (MD) Nos.383 to 457 of 2015 dated 12.06.2015.

W.P.No.34808 of 2016: Directing the Respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Pending in Service Leave Salary Pension Arrears Pension DA Arrears PF Arrears Settlement Arrears DA arrears with interest of 18% on delayed payment to the petitioner from 31.03.2014 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.

W.P.No.34809 of 2016: Directing the Respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Pension Arrears Pension DA Arrears PF Arrears Settlement Arrears Subscription amount of Medical College and Engineering College with interest of 18% on delayed payment to the petitioner from 31.01.2014 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.

W.P.No.34810 of 2016: Directing the Respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Leave Encashment (ML-98) Pension Arrears Pension DA Arrears Settlement Arrears Pending in service leave salary for 2 years Arrears in salary for 10 days DA arrears and Subscription amount of Medical College and Engineering College 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..

W.P.No.34811 of 2016: Directing the Respondents to settle the petitioner retirement benefits after to extend the benefits of pay revision in terms of settlement with enhanced dearness allowance and to pay all the retirement benefits payable to the petitioner including the Gratuity Commutation of Pension Leave Encashment (EL) Leave Encashment (ML-98) Pension Arrears Pension DA Arrears PF Arrears Settlement Arrears DA Arrears and Subscription amount of Medical College and Engineering College with interest of 18% on delayed payment to the petitioner from 31.07.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in WA(MD) Nos. 383 to 457 of 2015 ...

For Petitioner in all W.Ps : Mr.V.S.Jagadeesan

For Respondent in all W.Ps : Mr.S.Sairaman for R2&R3
in all WPs.

: Mr. Thanajayan Spl.GP.for
R1 in all WPs.

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, with interest, within the time that may be stipulated by this Court.

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 respondents 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 learned counsel appearing for the petitioners and the learned counsel who take notice for the respondents.

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.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp
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(VPM)Ltd.,
3/137 Salamedu,
Valuthareddy post,
Villupuram - 605 602
3. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002
4. The Managing Director,
Tamil Nadu State Transport Corporation
(CBE) Ltd., No.37,
Metupalayam Road, Coimbatore.

+ 9 ccs to Mr.V.S. Jagadeesan, Advocate, Sr.56490
+ 1 cc to Mr.S. Sairaman, Advocate SR.57248
+ 1 cc to Government Pleader Sr.57178

W.P.Nos.34803 to
34811 of 2016

SCD(CO)
EU 10.11.16