

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34989 to 34999 of 2016

A.Bhagubali	..Petitioner W.P.No.34989 of 2016
T.Kuppuraman	..Petitioner W.P.No.34990 of 2016
K. Kumar	..Petitioner W.P.No.34991 of 2016
A. Venkatesan	..Petitioner W.P.No.34992 of 2016
T. Ethirajan	..Petitioner W.P.No.34993 of 2016
R. Velayutham	..Petitioner W.P.No.34994 of 2016
C. Chandiran	..Petitioner W.P.No.34995 of 2016
K.S. Chandrasekaran	..Petitioner W.P.No.34996 of 2016
P. Akbarchzhiyan	..Petitioner W.P.No.34997 of 2016
D. Venkatarathinam	..Petitioner W.P.No.34998 of 2016
P. Elumalai	..Petitioner W.P.No.34999 of 2016

vs.

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

The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai-606 601

..Respondents 1&2 in all
Writ Petitions
Nos.34990, 34992 to 34996,
34998 and 34999/16

The Administrator, Tamil Nadu State
Transport Corporation,
Employed Post Retirement
Welfare fund Scheme, Thiruvallur House,
Pallavan Salai, Chennai 600 002.

..3rd respondent in
W.P.34991, 34996

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram 605 602

..2nd Respondent in WP.34991/16

The General Manager, Tamil Nadu
Transport Corporation, (Villupuram) Ltd.,
Vellore Region, Vellore.

..2nd Respondent in
WP.34997/16

Writ petition No.34989 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus (1)directing the respondents to disburse the payments relating Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), DI & CI Grade Pay Rs.4,300 as per effect of 2013 Settlement, Settlement Effect in Basic Pay & Pension, Settlement Arrears & Pension Arrears, Labour Welfare Fund from 01.01.2014, Arrears 3 months, Last month 10 days Salary, yearly D.A. effect arrears and all other benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowance also, with interest at 12% per annum with effect from 01.06.2014 within the stipulated time fixed by this Court.

Writ petition No.34990 of 2016 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 Encashment(Earned Leave & Old Medical Leave) 5.5% Settlement Arrears & Pension Arrears Labour Welfare Fund from 01.01.2014 Last Month 10 days Salary DA effect Arrears and all other benefits 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 01.04.2015 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34991 of 2016 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 Commutaion Leave Surrender (Earned Leave) 2013 Settlement Effect Arrears IRT Share Amount Provident Fund Interest Amount Old Medical Leave Last month 11 days Salary 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 01.02.2016 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34992 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Settlement Effect in Basic Pay & Pension Settlement Arrears &

Pension Arrearas Labour Welfare Fund from 01.01.2014 Last Month 10 days Salary DA effect 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 01.09.2014 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34993 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Settlement Effect in Basic Pay & Pension Settlement Arrearas & Pension Arrearas Labour Welfare Fund from 01.01.2014 Last Month 10 days Salary DA effect arrears and all other benefits 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 01.07.2013 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34994 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Settlement Arrearas Social Welfare Fund Last Month 10 days salary and yearly DA effect arrears and all other benefits 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 01.05.2015 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34995 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Labour Welfare Fund IRT Share Amount Last Month 10 days Salary D.A. Effect arrears and all other benefits 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 01.06.2013 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34996 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Settlement Effect in Basic Pay & Pension Settlement Arrears & Pension Arrears Social Welfare Fund Last Month 10 days Salary yearly D.A. Effect Arrears and all other benefits 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 01.05.2014 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34997 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Settlement Effect in Basic Pay & Pension Settlement Arrears & Pension Arrears Labour Welfare fund from 01.01.2014 Arrears 3 months Last Month 10 days salary yearly D.A. Effect Arrears and all other benefits 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 01.04.2014 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34998 of 2016 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 Encashment (Earned Leave & Old Medical Leave) DI & CI Grade Pay Rs.4 300 as per Effect of 2013 Settlement Settlement Effect in Basic Pay & Pension Settlement Arrears & Pension Arrears Labour Welfare fund from 01.01.2014 Arrears 3 months Last Month 10 days salary yearly D.A. Effect Arrears and all other benefits 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 01.01.2014 within the stipulated time as may be fixed by this Honourable Court

Writ petition No.34999 of 2016 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 Encashment (Earned Leave & Old Medical Leave) Labour Welfare fund Last Month 10 days salary D.A. Effect Arrears and all other benefits 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 01.06.2013 within the stipulated time as may be fixed by this Honourable Court

For Petitioner : Mr.G.Sakthivel
in all the writ petitions
For Respondents : Mr.P.Kannan Kumar
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 01.01.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Thiruvannamalai Region,
Thiruvannamalai.

3.The Administrator,Tamil Nadu State
Transport Corporation,
Employed Post Retirement
Welfare fund Scheme, Thiruvallur House,
Pallavan Salai, Chennai 600 002.

4. The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Vazhuthareddy,
Villupuram 605 602

5. The General Manager, Tamil Nadu
Tansport Corporation, (Villupuram) Ltd.,
Vellore Region, Vellore.

+ 11 ccs to Mr.G.Sakthivel, Advocate Sr.57018
+ 1 cc to Mr.P.Kannan Kumar, Advocate Sr.57373

W.P.Nos.34989 to
34999 of 2016

NM(CO)
Eu 20.10.16

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