

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.35466 to 35478 of 2016

K.Mohan	...Petitioner in WP.35466/16
K.Ezhilan	...Petitioner in WP.35467/16
B.Natarajan	...Petitioner in WP.35468/16
A.Uthaman	...Petitioner in WP.35469/16
K.Gondarajulu	...Petitioner in WP.35470/16
J.Vajiravelu	...Petitioner in WP.35471/16
G.Selvarasulu	...Petitioner in WP.35472/16
L.Dhakshinamoorthy	...Petitioner in WP.35473/16
M.Sabapathy	...Petitioner in WP.35474/16
R.Ayyasamy	...Petitioner in WP.35475/16
S.Arunagirinathan	...Petitioner in WP.35476/16
V.Karunakaran	...Petitioner in WP.35477/16
V.Mohan	...Petitioner in WP.35478/16

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram)Ltd.,
Vazhuthareddy,
Villupuram - 605 602 ...1st respondent in WP.35466 to 35468,
35469 to 35478
2. The General Manager,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore - 607 001...2nd respondent in WP.35466, 35467,
35475
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002 ...3rd Respondent in WP.35466 to 35473 &
35477/16
4th Respondent in WP.35469/16
4. The General Manager, Tamilnadu State Transport
Corporation,
(Villupuram) Ltd.,
Tiruvannamalai. ...2nd respondent in WP.35469/16

5. The General Manager, Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore ..3rd respondent in WP.35469/16
6. The General Manager, Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Vellore ..2nd respondent in WP.35472/16
7. The General Manager, Tamilnadu State Transport Corporation,
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram. ...2nd respondent in WP.35468,
35470, 35471, 35474, 35476, 35477
& 35478/16
8. The General Manager, Tamilnadu State Transport Corporation,
(Villupuram) Ltd., Villupuram Region,
Villupuram. ...2nd Respondent in WP.35473/16

WP.No.35466/16:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the payments relating to gratuity, settlement effect arrears, leave surrender (Earned leave & Old Medical Leave), Pension arrears, DA arrears and others 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 10.06.2015 within the stipulated time as may be fixed by this Court.

WP.No.35467/16: Filed u/a.226 of Constitution of India praying to issue a 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 Commutation Settlement Effect Arrears Leave Surrender (Earned Leave & Old Medical Leave) Pension Arrears DA Arrears and others 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 1.6.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35468/16: Filed u/a.226 of Constitution of India praying to issue a 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 Pension Commutation Settlement Effect Arrears Leave

Surrender (Earned Leave & Old Medical Leave) DA Arrears and others 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 1.11.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35469/16: Filed u/a.226 of Constitution of India praying to issue a 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 Commutation Leave Encashment (Earned Leave & Old Medical Leave) ERBS Pension Last Month 10 Days Salary DA Arrears and all other retirement benefits amount 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 1.6.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35470/16: Filed u/a.226 of Constitution of India praying to issue a 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 Pension Commutation Settlement Effect Arrears Leave Surrender (Earned Leave & Old Medical Leave) Pension Arrears DA Arrears and others 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 1.9.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35471/16: Filed u/a.226 of Constitution of India praying to issue a 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 Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears Pension Arrears DA Arrears and others 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 1.6.2014 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35472/16: Filed u/a.226 of Constitution of India praying to issue a 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 amount Pension Commutation amount Leave Encashment (Earned Leave & Old Medical Leave) amount and yearly Earned Leave Surrender Amount for the year 2014 & 2015 by calculating D.A. eligible as per newly implemented with interest at 12% per

annum with effect from 1.7.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35473/16: Filed u/a.226 of Constitution of India praying to issue a 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 Surrender (Earned Leave & Old Medical Leave) Settlement Effect in Basic Pay & Pension Settlement Arrears and DA 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 1.11.2013 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35474/16: Filed u/a.226 of Constitution of India praying to issue a 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 DA Arrears and others 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 1.5.2013 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35475/16: Filed u/a.226 of Constitution of India praying to issue a 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 Surrender (Earned Leave & Old Medical Leave) DA Arrears and others 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 1.6.2013 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35476/16: Filed u/a.226 of Constitution of India praying to issue a 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 Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears & DA Arrears and others 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 1.3.2016 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35477/16: Filed u/a.226 of Constitution of India praying to issue a 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 Pension Commutation Leave Surrender (Earned Leave & Old Medical Leave) Pension Arrears DA Arrears and others 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 1.7.2015 within the stipulated time as may be fixed by this Honourable Court.

WP.No.35478/16: Filed u/a.226 of Constitution of India praying to issue a 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 Surrender (Earned Leave & Old Medical Leave) Settlement Effect Arrears and DA Arrears and others 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 1.5.2016 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner in all W.Ps : Mr.G.Sakthivel
For Respondents in all W.Ps : Mr. P.Kannan Kumar

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 respondents are 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 1.01.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram)Ltd.,
Vazhuthareddy,
Villupuram - 605 602
2. The General Manager,
Tamil Nadu State Transport,
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore - 607 001.
3. The Administrator,
Tamil Nadu State Transport Corporation ,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002
4. The General Manager, Tamilnadu State Transport
Corporation,
(Villupuram) Ltd.,
Tiruvannamalai.

5. The General Manager, Tamilnadu State Transport
Corporation,
(Villupuram) Ltd.,
Vellore

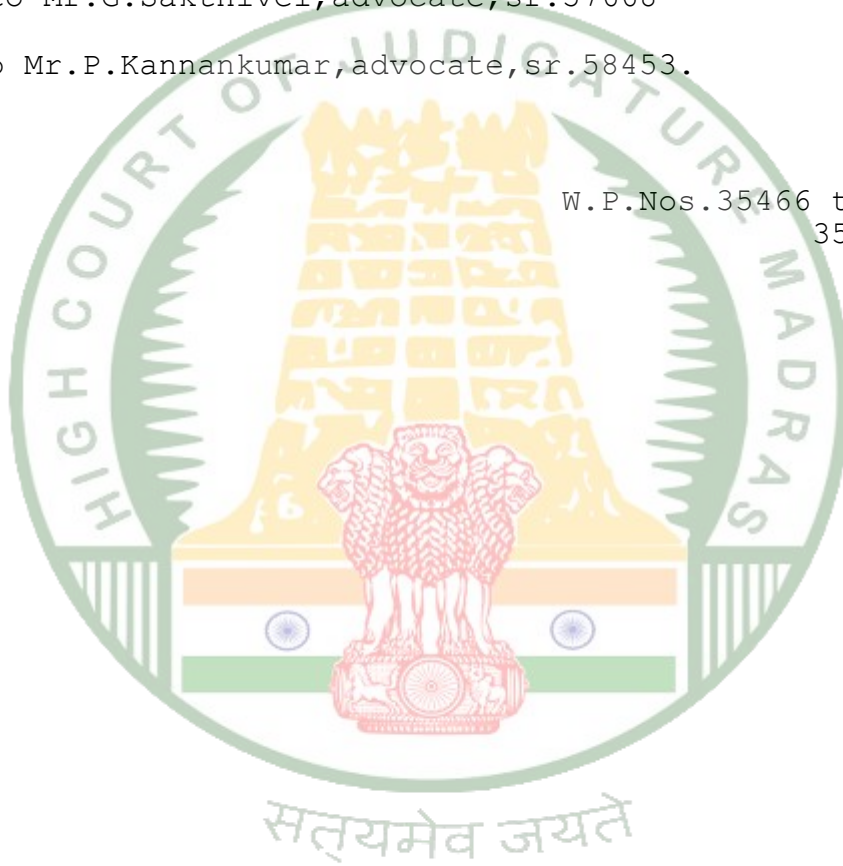
6. The General Manager, Tamilnadu State Transport
Corporation,
(Villupuram) Ltd.,
Vazhuthareddy, Villupuram.

+13 cc's to Mr.G.Sakthivel,advocate,sr.57668

+2 cc's to Mr.P.Kannankumar,advocate,sr.58453.

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35478 of 2016



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