

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.35515 to 35524 of 2016

D.Poongavanam ... Petitioner in W.P.No.35515 of 2016

D. Janakiraman
CI Staff No.13649 ... Petitioner in W.P.No.35516 of 2016

D. Durai
CI Staff No.13679 ... Petitioner in W.P.No.35517 of 2016

E. Panchatcharam
CI Staff No.1372 ... Petitioner in W.P.No.35518 of 2016

A. Murugadass
Staff No.61107 ... Petitioner in W.P.No.35519 of 2016

A. Munusamy
Staff No.61106 ... Petitioner in W.P.No.35520 of 2016

N. Mohan
Staff No.41184 ... Petitioner in W.P.No.35521 of 2016

K. Durairaj
Staff No.82AM1009753... Petitioner in W.P.No.35522 of 2016

K. Krishnan
Staff No.1019 ... Petitioner in W.P.No.35523 of 2016

K.E. Shanmugam
Staff No.6844 ... Petitioner in W.P.No.35524 of 2016

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary,
Transport Department,
Secretariat, Fort St. George,
Chennai - 600 009. ...I Respondent in all WPs
2. The Managing Director,
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137 Salamedu, Valuthareddy post,
Villupuram - 605 6022nd Respondent in W.P.35515
to 35521/16 and W.P.35523/16

3. The Administrator,
Tamil Nadu State Transport,
Corporation Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002 ...3rd Respondent in W.P.35515 to
35521, 35523, 35524/16

4. The Managing Director
Tamilnadu State Transport Corporation
(CBE) LTd.,
Head Office No.37
Mettuplayam Road
Coimbatore ... 2nd Respondent in
W.P.35522, 35524/16

Prayer : These Writ Petitions are filed under Article 226 of the Constitution of India praying to issuance of a writ of mandamus to 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 30.04.2014 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 to 2015 dated 12.06.2015. (in W.P.35515 o 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 Leave Encashment (EL) Leave encashment (ML-98) Pension arrears Pension DA arrears DA arrears Arrears in grade pay Settlement arrears and retirement benefits scheme with interest of 18% on delayed payment to the petitioner from 31.5.2013 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 12.6.2015 (in W.P.35516 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 Pension arrears Pension DA arrears Settlement arrears Retirement benefits scheme and arrears in grade pay with interest of 18% on delayed payment to the petitioner from

30.9.2012 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 12.6.2015 (in W.P.35517 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 Subscription of medical college and Engineering college Pension arrears Pension commutation Pension DA arrears DA arrears Arrears in grade pay Settlement arrears and Retirement benefits scheme with interest of 18% on delayed payment to the petitioner from 31.5.2014 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 12.6.2015 (in W.P.35518 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 of 18% on delayed payment to the petitioner from 30.6.2015 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 12.6.2015 (in W.P.35519 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 of 18% on delayed payment to the petitioner from 31.7.2014 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 12.6.2015 (in W.P.35520 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 of 18% on delayed payment to the petitioner from 31.7.2014 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 12.6.2015 (in W.P.35521 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 service leave salary for 60 days DA arrears Unearned leave on private affairs after taking in to account enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.1.2015 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 12.6.2015 (in W.P.35522 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 DA arrears and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.10.2012 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 12.6.2015 (in W.P.35523 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 Arrears in Commutation of pension Leave Encashment (EL) Pension arrears Pension DA arrears Settlement arrears DA arrears and Social security scheme with interest of 18% on delayed payment to the petitioner from 28.2.2015 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 12.6.2015 (in W.P.35524 of 2016)

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

For Respondent in all W.Ps : Mr.R.Venkatesh,
Gov. Advocate,
for R1

Mr. P.Kannan Kumar,
for R2 & R3

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 2 and 3 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 1.12.2016.

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

Sd/-
Asst. Registrar (CO)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Principal Secretary
Government of Tamil Nadu
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
Tamilnadu State Transport Corporation
(CBE) LTD.,
Head Office No.36
Mettuplayam Road
Coimbatore

10 ccs to Mr.V.S.Jagadeesan, Advocate, Sr. 57679
1 cc to Government Pleader, Sr. 57849

W.P.Nos.35515 to
35524 of 2016

SCD (CO)
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