

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.36026 to 36035 of 2016

M.Palani ... Petitioner in WP.No.36026/16
T.Loganathan ... Petitioner in WP.No.36027/16
G.Kuppusamy ... Petitioner in WP.No.36028/16
T.Ramadoss ... Petitioner in WP.No.36029/16
R.Thandapani ... Petitioner in WP.No.36030/16
G.Jagadeesan ... Petitioner in WP.No.36031/16
E.Kaliyappan ... Petitioner in WP.No.36032/16
K.Ganesan ... Petitioner in WP.No.36033/16
R.Chandrasekaran ... Petitioner in WP.No.36034/16
R.Viswanathan ... Petitioner in WP.No.36035/16

vs.

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) Limited,
3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvallurvar House,
Pallavan Salai,
Chennai-2.

... RR1 to 3 Respondents in
WP.No.36026 to 36034/16

4. The Government of Tamil Nadu
Rep by its Principal Secretary
Transport Department, Secretariat,
Fort St.George Chennai-600 009

5.The Managing Director

Tamil Nadu State Transport Corporation(CBE)Ltd
head office, No.37 Mettupalayam Road,
Coimbatore-641 043

...1 and 2 Respondent in
WP.36035/16

Prayer in Writ petition No.36026/16:Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents to settle the retirement benefits payable to the petitioner, namely, Gratuity, Encashment of Leave Salary (EL), Commutation of Pension, Pending in service leave salary for the year 2013-14, 2014-15 (30 days), D.A. Arrears, PF Arrears, Settlement arrears, Pension DA Arrears, Subscription Amount of Engineering and Medical College Arrears amount in TI Promotion and other eligible terminal benefits with interest at 18% on delayed payment to the petitioner from 31.08.2015 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.

WP.No.36027/16:Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus,Directing the Respondents to settle the petitioner retirement benefits after to extend the benefits to 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 DA arrears PF Arrears settlement arrears DA arrears with interest of 18% on delayed payment to the petitioner from 30.09.2013 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

WP.No.36028/16:Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus,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) pending in Service 10 days Salary Pension Commutation DA arrears settlement arrears and Retirement Benefits Scheme amount with interest of 18% on delayed payment to the petitioner from 31.12.2013 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

WP.No.36029/16 Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus 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 Commutation Leave Encashment (EL) pending in Service 10 days Salary Pension in Service Suspension Salary Pension DA arrears settlement arrears PF Arrears and Retirement Benefits Scheme amount with interest of 18% on delayed payment to the petitioner from 31.03.2015 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

WP.No.36030/2016 Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus Directing the Respondents to settle the retirement benefits payable to the petitioner namely Gratuity DA arrears PF Arrears pension DA arrears Subscription amount of Engineering College and Medical College and Encashment of unearned leave salary on private affairs order in Government Letter No.37568/BPE/ 2006 dated 28.01.2008 and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 31.08.2012 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

WP.No.36031/2016:Directing the Respondents to settle the petitioners retirement benefits such as Gratuity amount Commutation of Pension Leave on Encashment (EL) amount Leave on Encashment (ML) amount pending in service leave salary for 2 years Subscription amount of Medical College and Engineering College Social security scheme DA arrears settlement arrears and other attendant benefits after duly taken into account the enhanced dearness allowance with interest of 18% on delayed payment to the petitioner from 31.07.2016 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

WP.No.36032/2016:Directing the Respondents to settle the petitioners 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) pending in service 10 days salary DA Arrears Settlement arrears and Retirement Benefits Scheme amount with interest of 18% on delayed payment to the petitioner from 31.05.2013 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

WP.No.36033/2016:Directing the Respondents to settle the petitioners 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 31.07.2014 the date of retirement to till the date of settlement of the terminal benefits to the petitioner by following the order passed in W.A. (MD).Nos. 383 to 457 of 2015 dated 12.06.2015

WP.No.36034/2016: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 Subscription amount of Engineering College and Medical college Settlement arrears DA arrears with interest of 18% on delayed payment to the petitioner from 30.06.2015 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

WP.No.36035/2016: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 in service leave salary Encashment of unearned leave salary on private affairs order in Government Letter No.37568/ BPE/ 2006 dated 28.01.2008 after duly taking into enhanced dearness allowance and other eligible terminal benefits with interest of 18% on delayed payment to the petitioner from 30.09.2014 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

For Petitioner : Mr.V.S.Jagadeesan
in all the writ petitions

For 1st Respondent : Mr.K.Dhananjayan,
Special Government Pleader

For R2 and Re

: 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 have 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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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) Limited,
3/137 Salamedu,
Valuthareddy Post,
Villupuram-605 602.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvallurvar House,
Pallavan Salai,
Chennai-2.

4. The Managing Director
Tamil Nadu State Transport Corporation (CBE) Ltd
head office, No.37 Mettupalayam Road,
Coimbatore-641 043

+1 cc to Government Pleader sr 58607

+10 cc to Mr.V.S.Jagadeesan Advocate sr 58280

+2 cc to Mr.P.Kannan Kumar Advocate sr 59180

W.P.Nos.36026 to 36035/2016

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aa24/11/2016