

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36197 to 36199 of 2016

A.Sivaji Ganesan, (Staff No.AS.0151)

... Petitioner in W.P.No.36197/2016

K.Muthusamy, (Staff No.DR.1700)

... Petitioner in W.P.No.36198/2016

M.Selvaraju, (Staff No.CR2480)

... Petitioner in W.P.No.36199/2016

Vs.

1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.

2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

... Respondents in all the W.Ps.

Prayer in W.P.No.36197 of 2016: 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, Leave Encashment (Earned Leave & Old Medical Leave) Surrender Leave Salary for year of 2009-2011, IRT Share Amount and all other retirement Benefits and consequently Direction Retirement Benefits Amount Deposit in the Petitioner State Bank of India Account No. 10764122244 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 01.08.2013 within the stipulated time as may be fixed by this Hon'ble Court.

Prayer in W.P.No.36198 of 2016: 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, Commutation, Leave Encashment (Earned Leave & Medical Leave), Leave Surrender for year of 2009-2011, IRT Share Amount,

D.A.Arrears and all other retirement 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 Hon'ble Court.

Prayer in W.P.No.36199 of 2016: 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 Provident Fund, Gratuity, Commutation, Leave Encashment (Earned Leave & Medical Leave), Leave Surrender for year of 2009-2011, Labour Welfare Fund, IRT Share Amount, D.A.Arrears and all other retirement 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 Hon'ble Court.

For Petitioners : Mr.G.Sakthivel

For Respondents : Mr.P.Paramasivadoss

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, 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 the date of retirement within the stipulated time as may be fixed 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 respondent 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 01.01.2017.

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

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1 The Managing Director
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road,
Salem - 7.

2 The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

3 ccs to Mr.G.Sakthivel, Advocate, sr. 58749

1 cc to Mr.P.Paramasivadosh, Advocate, Sr. 59533

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36199 of 2016

NRJK (CO)
kk 26/10