

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.36432 to 36436 of 2016

R.Sriram ...Petitioner in W.P.No.36432/2016
R.Radhakrishnan ...Petitioner in W.P.No.36433/2016
D.Jothiligam ...Petitioner in W.P.No.36434/2016
P.Gunasekaran ...Petitioner in W.P.No.36435/2016
P.Magendiran ...Petitioner in W.P.No.36436/2016

Vs.

1. The Managing Director of
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602. ... 1st respondent in all W.Ps
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region, Kancheepuram.
... 2nd Respondent in
W.Ps.36432/2016
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 012. ... 3rd Respondent in W.Ps.36432,
36433, 36435 & 36436 of 2016
4. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region, Cuddalore.
... 2nd respondent in
W.P.36433, 36435/2016

5. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore.

... 2nd respondent in
W.Ps.36434 & 36436/2016

Prayer in W.P.No.36432 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, pension commutation, and leave surrender (Earned Leave & Old Medical Leave), Labour Welfare Fund Amount, Settlement arrears 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 01.01.2015 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.36433 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 surrender (Earned leave & Old Medical Leave), 2013 settlement effect & arrears, ERBS pension, Pension arrears and D.A. arrears 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 01.10.2014 within the stipulated time as may be fixed .

Prayer in W.P.No.36434 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 and DA arrears 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 01.05.2013 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.36435 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 surrender (Earned leave & Old medical leave), 2013 settlement effect & arrears, ERBS pension, Pension arrears and D.A. Arrears 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 01.10.2014 within the stipulated time as may be fixed by this Court.

Prayer in W.P.No.36436 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 surrender (Earned leave & Old medical leave), labour welfare fund and DA arrears 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 01.06.2015 within the stipulated time as may be fixed by this court.

For Petitioner in all W.Ps : Mr. G.Sakthivel

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

COMMON ORDER

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 takes 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 01.01.2017.

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

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mrp

To

1. The Managing Director of
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vazhuthareddy,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Kancheepuram Region, Kancheepuram.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai, Chennai - 600 012.
4. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region, Cuddalore.
5. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region, Vellore.

5 ccs to M/s.G.Sakthivel, Advocate, Sr. 59279
1 cc to Mr.P. Kannankumar, Advocate, Sr. 60495

W.P.Nos.36432 to 36436 of 2016

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