

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.36896 to 36899 of 2016

C.Radhakrishnan ...Petitioner in W.P.No.36896 of 2016
D.Alagesan ...Petitioner in W.P.No.36897 of 2016
K.Ramaraj ...Petitioner in W.P.No.36898 of 2016
T.Sukumaran ...Petitioner in W.P.No.36899 of 2016

.vs.

The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Coimbatore)
37, Mettupalayam Road,
Corporate Office,
Coimbatore. ...Sole Respondent in W.P.No.36896 of 2016 and
I Respondent in W.P.No.36899/16

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Salem),
12, Ramakrishna Road,
Salem1st Respondent in W.P.No.36897 and 36898/16

2.The Administrator,
Tamil Nadu State Transport
Corporation Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai- 2 ...2nd Respondents in W.P.Nos.36897 to 36898 of 2016

The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House Pallavan Salai
Chennai 2 ...2nd Respondent in W.P.No.36899 of 2016

Writ Petition No.36896 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondent to disburse the Surrender Leave Salary i.e., Earned leave balance as on 31.10.2013 with interest at 12% p.a. w.e.f. 01.04.2016 within a time stipulated by this Court.

Writ Petition No.36897 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to disburse the payments relating to Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave Salary i.e., Earned leave balance as on 31.03.2013, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.04.2016 within a stipulated time as may be fixed by this Court.

Writ Petition No.36898 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents to Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave Salary i.e., Earned Leave balance as on 31.03.2013, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.04.2016 within stipulated time as may be fixed by this Court.

Writ Petition No.36899 of 2016 has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, surrender Leave Salary i.e., Earned Leave balance as on 31.05.2016, balance dearness allowance, surrender medical leave salary up to 1.9.1998 by calculating D.A eligible as per newly implemented scheme, with interest at 12% per annum with effect from 01.04.2016 within stipulated time as may be fixed by this Court.

For Petitioner : Mr.I.C.Vasudevan
in all the writ petitions
For Respondents : 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 has 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.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

tsi

To

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Coimbatore)
37, Mettupalayam Road,
Corporate Office,
Coimbatore.

2.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Salem),
12, Ramakrishna Road, Salem

3.The Administrator,
Tamil Nadu State Transport
Corporation Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallvan Salai,
Chennai - 2.

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

4 ccs to Mr.I.C. Vasudevan, Advocate, Sr. 60351 to 60354
2 ccs to Mr.P. Kannankumar, Advocate, sr. 60968

W.P.Nos.36896 to 36899 of 2016

KGK (CO)
kk 25/11

सत्यमेव जयते

WEB COPY