

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.10.2016
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.37259 to 37264 of 2016

- 1.K.Shanmugam, Staff No.J00526... Petitioner in W.P.No.37259/2016
- 2.D.Thiruvengadam StaffNo.CR2802..Petitioner in WP.No.37260/2016
- 3.P.S.Natarajan Staff No.40991 ..Petitioner in WP.No.37261/2016
- 4.M.Pandian Staff No.SR 1044 ..Petitioner in WP.No.37262/2016
- 5.S.Nagarajan Staff No.SR1112 ..Petitioner in WP.No.37263/2016
- 6.S.Nagalingam Staff No.40631 ..Petitioner in WP.No.37264/2016

Vs.

- 1 The Managing Director
Tamilnadu State Transport
Corporation (Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.
- 2 The General Manager
Tamilnadu State Transport
Corporation (Coimbatore) Limited
Erode Region,
Erode - 638 001.

.... Respondents in W.P.No.37259/2016

Prayer in W.P.No.37259 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including EL Surrender and RBS amount with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e.30.06.2011 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable Court.

Prayer in WP.No.37260 of 2016:

Directing the respondents to settle the petitioner's retirement benefits including Gratuity Commutation Leave Surrender (EL & ML) Settlement arrears RBS arrears and DA arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the

respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.06.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

Prayer in WP.37261 of 2016: Directing the respondents to settle the petitioner retirement benefits including Gratuity and RBS amount with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.04.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

WP.No.37262 of 2016: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (EL & ML) Settlement arrears DA arrears and RBS arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 29.02.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

WP.No.37263 of 2016: Directing the respondents to settle the petitioner retirement benefits including Gratuity Commutation Leave Surrender (EL) Settlement arrears DA arrears and RBS arrears etc. with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 29.2.2016 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

WP.No.37264 of 2016:

Directing the respondents to settle the petitioner retirement benefits including Gratuity IRT amount and RBS amount with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e. 30.04.2013 to till date of actual payment to the petitioner within the time that may be stipulated by this Honourable court

For Petitioners : Mr.M.Selvam
For Respondents : Mr.P.Kannan Kumar

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, along 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 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Managing Director
Tamilnadu State Transport
Corporation (Coimbatore) Limited
No.37, Mettupalayam Road,
Coimbatore - 641 043.
 - 2 The General Manager
Tamilnadu State Transport
Corporation (Coimbatore) Limited
Erode Region,
Erode - 638 001.
 3. The Managing Director
Tamil Nadu Transport Corporation (Villupuram)Ltd
Villupuram
 - 4.The General Manager
Tamil Nadu State Transport Corporation (Villupuram)Ltd
Kancheepuram Region, Kancheepuram
 - 5.The Managing Director and General Manager
Tamil Nadu State Transport Corporation(Villupuram)
Vazhutha reddy Villupuram
 - 6.The Administrator Tamil nadu State
Transport Corporation
Employees Post Retirement Welfare fund Scheme
Pallavan Salai Chennai-2
- +6 ccs to Mr.M.Selvam Advocate sr 60903
+1 cc to Mr.P.Kannan Kumar Advocate sr 61799

W.P.Nos.37259 to
37264 of 2016

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