

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.37426 to 37432 of 2016

N.Chandrasekaran ... Petitioner in W.P.No.37426 of 2016
K.Masilamani (Staff No. DR.6012) ... Petitioner in W.P.No.37427 of 2016
N.Arumugam (Staff No.A.M.0107) ... Petitioner in W.P.No.37428 of 2016
K.Chinnasamy (Staff No.F1-0517) ... Petitioner in W.P.No.37429 of 2016
A.Devendran (Staff No.FC 5147) ... Petitioner in W.P.No.37430 of 2016
A.Murugesan (Staff No.TR 0572) ... Petitioner in W.P.No.37431 of 2016
A.Nagarajan (Staff No. CR 5359) ... Petitioner in W.P.No.37432 of 2016

vs.

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12 Ramakrishna Road Salem
636 007.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited Dharmapuri Region
Dharmapuri-636705.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 600 002.

... Respondents in all WPs

Writ petition No.37426 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 Gratuity, Leave Encashment (Earned & Old Medical

Leave), Yearly Leave Surrender amount while on duty, ERBS Amount, D.A. Arrears and all other attendant Benefits 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 01.04.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37427 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS Amount D.A. Arrears IRT amount and all other attendant Benefits 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 01.07.2013 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37428 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS Amount D.A. Arrears VRS Compensation amount and all other attendant Benefits 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 01.08.2014 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37429 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the Respondents to disburse the payments relating to Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS Amount D.A. Arrears and all other attendant Benefits 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 01.04.2011 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37430 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the Respondents to disburse the payments relating to Gratuity Leave Encashment (Earned & Old Medical Leave) Yearly Leave Surrender amount while on duty ERBS Amount D.A. Arrears and all other attendant Benefits 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 01.10.2012 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37431 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS Amount IRT amount D.A. Arrears Labour Welfare Fund and all other attendant Benefits 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 01.08.2015 within the stipulated time as may be fixed by this Honourable Court.

W.P.No.37432 of 2016:

Prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Direction more particularly in the nature of Writ of Mandamus Directing the Respondents to disburse the payments relating to Provident Fund Gratuity Pension Commutation Leave Encashment (Earned & Medical Leave) Yearly Leave Surrender amount ERBS Amount IRT amount D.A. Arrears Labour Welfare Fund and all other attendant Benefits 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 01.07.2016 within the stipulated time as may be fixed by this Honourable Court.

For Petitioner : Mr.J.Pradeep,
in all the writ petitions

For Respondents : Mr.P.Paramasivadosh,
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 1.1.2017.

6. With the above direction, all the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sbi

To

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd. No.12 Ramakrishna Road Salem
636 007.
- 2 The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited Dharmapuri Region
Dharmapuri.
- 3 The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund
Scheme Thiruvalluvar House Pallavan Salai
Chennai 600 002.

+7 cc to Mr.J.Pradeep, Advocate SR.61538

सत्यमेव जयते

W.P.Nos.37426 to
37432 of 2016

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srg 11/11/2016

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